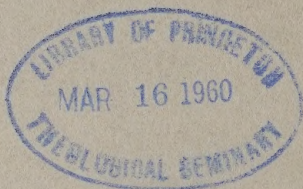


Sergius Bulgakov

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The Vatican Dogma

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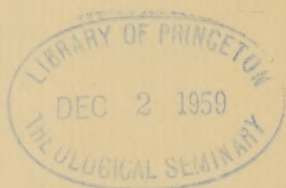


Father Sergius Bulgakov

*The Vatican Dogma*




ST. TIKHON PRESS  
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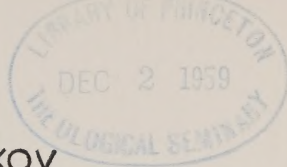




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## INTRODUCTION

by L. A. Zander.

The course of Fr. Sergius Bulgakov's spiritual development was highly complex and varied. He began with theoretical Marxism, passed on to Kantian philosophy and German idealism and ended by the living faith, Christian thought and Orthodox priesthood. His numerous books and articles mark the different stages of his path. But having returned to the faith of his fathers Fr. Sergius retained his critical judgment and his strictly objective and scholarly method of approaching the problems that life set before him. He believed like a child, but verified his faith like a scholar, a philosopher and a theologian. Accordingly, even while he was a believing Christian (from 1902 till his death in 1944) he encountered and overcame many trials and temptations. Among these temptations was, first, the purely historical interpretation of Christianity, characteristic of liberal Protestantism, and, second, the Roman Catholic conception of the Church.

The first is dealt with in a number of articles collected in the two volumes called *Two Cities* (1911) and *Quiet thoughts* (1918). The titles of the articles show what he had in mind: «L. Feuerbach's religion of deified man», «Primitive Christianity (what it contained and what was absent in it)»; «Primitive Christianity and modern socialism»; «Apocalypitics and socialism»; «Christ's resurrection and modern thought»; «The Church and culture» (*Two Cities*, v. I and II); «Modern Arianism:

1. Professors' religion. 2. The crisis of Christianity in modern Protestantism. 3. *Hat Jesus gelebt?* (Did Jesus live?) 4. Christianity and mythology.»

Another temptation was Roman Catholicism. This is what Father Sergius himself writes about it in his autobiographical notes:

«I must speak about the temptation I went through during the bitter days in the Crimea under the bolsheviks, at the time of the first and the most devastating persecution of the Church in Russia. It played terrible havoc with the church as an institution, and led to its inner disintegration expressed by the appearance of the so called "Living Church"; all this made me feel how dreadfully defenceless and disorganised the church was, how unprepared for the struggle (I now think that its inward, mystical preparedness was far greater than it appeared, and I do not know whether the more centralized Catholicism would have withstood such a persecution). But at that time, in the face of the historical testing of Russian Orthodoxy, I set my hopes on Rome — in spite of my somewhat Slavophil past. I began reconsidering the Church's general attitude towards its earthly structure and papal supremacy. At that time there lived in Yalta a certain Lithuanian priest, persecuted by the Poles, a good Catholic, a convinced and enlightened papist, who had received his theological training in Rome. He provided me with the books I needed . . . Under the impression of what was happening to the church in Russia and of my own studies I began inwardly, silently, and unbeknown to anyone, to incline more and more towards Catholicism (this trend of thought is reflected in my dialogues *At the walls of Khersones*, of course unpublished). Just at that time I was exiled from Russia . . . Needless to say, I got over my Catholic infection, partly under the impact of experience (incidentally, the experience of Catholic propaganda in Constantinople) and partly through the inner work of

thought. I do not repent of my infatuation with Catholicism, for I think it was a dialectically inevitable stage in the development of my conception of the church, and indeed I believe it was salutary for me if only as a preventive inoculation. The chief thing is that I have lost, I think forever, the spiritual taste for papacy. The dogmatic grounds for it always seemed to me unconvincing and rather far-fetched . . . This inward struggle left a theological trace in my essays *Peter and John, the two chief apostles* and *The Vatican dogma*. The polemical character of both these essays gave me the reputation of an enemy of Catholicism, which I certainly am not. Throughout my inward combat with papacy I wholly preserved my respect for Western Christianity, and finally came out on to the broad highway of oecumenical Orthodoxy freed from all provincialism. But speaking generally, the time for a relationship based upon mutual recognition and respect for each other's individual character has not yet come for Eastern and Western Christianity; and I for my part do not want to increase the chasm between them which is, I think, primarily due to deep-seated psychological and historical causes. It is the task of love which is the life of the church to fill up the chasm by working together, and thus prepare the ground for the re-union of the churches»\*).

To these words of Fr. Sergius Bulgakov the following remarks may be added. The article on «*The Vatican dogma*» forms part of the series «*Essays on the doctrine about the Church*» and was published in № 15 and 16 of the journal *Put* (Paris 1929). The first three articles are an attempt to delineate the Orthodox ecclesiology — a problem to which Fr. Sergius returned at the end of his life in the book *The Bride of the Lamb* published in 1945, after his death.

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\*) Autobiographical notes (in Russian). Y. M. C. A. Press 1946 p. 48-49.

After writing *The Vatican dogma* Fr. S. Bulgakov, for practical reasons, refrained for several years from publishing it. But certain articles in the Catholic press, accusing him of «not being Orthodox» induced him to have it printed in spite of its polemical character. In an introductory note Fr. Sergius says that his motive in doing so was «the wish to submit to unprejudiced theological discussion the main question which divides East and West. The article was written not in a spirit of hostility, but out of a sincere desire for mutual understanding leading to greater nearness»\*).

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\*) PUT, N. 15, p.39.

## THE VATICAN DOGMA

The doctrine of papal supremacy was built up in Roman Catholicism in the course of centuries in the struggle with the episcopalian system. It was the expression of the Western Christians' religious voluntarism and of their awareness of the Church as, first and foremost, an organised power. Until 1870, however, papacy was merely a fact — true, a fact of the utmost importance, but not having as yet the force of a dogma which it acquired after the Vatican Council of 1870. That was a dividing line in the history of Catholicism, the goal for which it had striven in developing the system of papacy. In the preceding history of the church, innumerable assertions that the power of the pope is absolute can be matched by probably just as many direct or indirect assertions to the contrary. This difference of opinion existed in Catholic literature right up to 1870 and was apparent even at the Vatican Council itself, where many of its most learned and influential members were definitely opposed to the formula asserting papal infallibility, submitted to the Council for discussion. It was only after



this Council that papalism ceased to be merely a fact but became a dogma: the question was closed. *Roma locuta est* — in the face of the whole world, in the full light of publicity. The way the Council was organised and carried on its work is made perfectly clear by documentary evidence and the testimony of its members. The Council is of momentous significance for Catholicism; it showed both the immense power of discipline and organisation, characteristic of the Catholic world, and its great weakness — absence of spiritual freedom.

The few dissenting theologians, with the venerable Doëllinger at their head, found themselves outside the pale of the Church as “Old Catholics”.

This is incontestably proved in the historical monographs by Friedrich <sup>1)</sup>, Schulte <sup>2)</sup> and Friedberg <sup>3)</sup>. The Vatican Council has as much claim to be called a council as the present day meetings of delegates in the U. S. S. R. to be regarded as free expressions of the will of the people.

To begin with, bishops, of whom a church council is normally composed, are present there as representing, or bearing witness for, their respective dioceses — there can only be a council when people give and take counsel. But in this case there could have been no such thing, since the very purpose of the Council had been kept secret. No one knew why it was being called, and its main object was revealed only after it had assembled, though the leading party — the Jesuits —

had a fairly clear notion of it. The papal allocution of 26.VI.1867 referred to convoking the Council, but during the two and a half years that passed not a single question of importance was put down for its deliberation. The committee of theologians, which under the chairmanship of a cardinal was preparing the agenda, did not inform the episcopate of the result of its labours. Thus secrecy enveloped the Council's transactions from the first.

When the delegates arrived, they received printed instructions from the pope who had already appointed all the officials of the Council. The instructions made provision for several committees, but the chief committee of projects, apart from which no resolutions could be proposed, had already been appointed by the pope. The two other committees were elected by a simple majority vote, but the majority clearly belonged to the papal party, because of the composition of the Council. The three committees included only about a hundred persons, i. e. one sixth or one seventh of the total number of the members, which varied from 764 to 601. The rest remained in enforced inactivity, and were not even allowed to hold private consultations. They had to languish in the expectation of general meetings for which no definite times were fixed. While the Council was still sitting, the instructions were changed by the pope and made more stringent. General meetings were held in a hall with such bad acoustics that most of those present could not hear the speakers

at all; the chairman had the right to determine the order in which the speakers were to address the audience, and to stop the discussions. Members of the Council were presented with certain resolutions drawn up by the committees; they had no books at their disposal (the Vatican library was closed to them) and had only a few days to prepare themselves for discussion meetings. There was a general atmosphere of eavesdropping and espionage, of which many delegates complained. In view of all this, the proceedings can hardly be described as a Council; letters and much other material that has been published make abundantly clear the dejection and even dismay that possessed its members <sup>4)</sup>.

But, it will be asked, how could all the bishops present give their consent to something that was repugnant to the conscience of many of them? It is not as though they were threatened with the bolshevist horrors, torture and death; at the worst, their career would have been spoiled. The explanation is, in the first place, that the composition of the Council had been pre-arranged, so as to secure a majority obedient to the pope. This was done by including, in addition to real bishops representing their diocese, a considerable number of titular bishops who represented no diocese whatever and were, at bottom, simply obedient officials of the pope's consistory, and also of men who were not bishops at all — cardinals and generals of different orders <sup>5)</sup>.

The overwhelming number of diocesan bishops were Italian (out of the total number of 541 European bishops, Italy had 276, Austria-Hungary — 48, France — 84, Germany — 19). It is clear enough what this preponderance of Italian bishops meant: they were directly subordinate to the pope as their patriarch and entirely dominated by Rome. The non-diocesan members of the Council together with the disproportionate number of Italian bishops constituted a majority which could carry any resolution submitted to the meeting. This is precisely what happened.

When on July 13. 1870 the Vatican dogma was put to the vote, 88 members of the Council were against it (*non placet*) and 62 conditionally so (*placet juxta modum*); 84 out of the 88 and 41 out of the 62 — were diocesan bishops representing such influential Catholic countries as Austria-Hungary, France and Germany. When the dissenting bishops left the Council (of this more will be said later), 535 members remained for the final voting; 533 voted for the resolution and only two — against. By that time only 4 out of 24 German bishops were present, only 44 out of 86 French bishops, only 9 out of 60 from Austria-Hungary, 148 out of 264 from Italy and so on. Among those who took part in the voting were 22 cardinals without dioceses, 3 Latin patriarchs *in partibus*, 4 abbots *nullius dioceseos*, 23 generals of Orders, 13 *abbates generales*, 88 *episcopi in partibus infidelium*, 30 of which had no diocese or flock whatever <sup>6)</sup>. Such are the figures.

Learned theologians to whom so important a place was assigned at the Council of Trent, had no part at all in the Vatican Council, unless they happened to be bishops or papal officials in clerical garb; only a few theologians were brought in as consultants; thus Professor Friedrich came with Archbishop Hohenlohe. Altogether, participation of laymen, even as mere advisers or only as members of committees was carefully ruled out. The assembly was to consist of obedient members who, in addition to the general ecclesiastical discipline, would be in direct canonical subordination to the Pope.

It has already been said that the bull convoking the Council gave no indication of the actual subject of discussion, and the *Schœma* introduced in December 1869 did not disclose it either. It was essential to create an impression that the new dogma, for the sake of which, as it appeared later, the Council had been convoked, was an answer to a demand from below, from the flock as a whole. In truth, however, the fear that the dogma of papal infallibility might be submitted to the Council caused the utmost anxiety and opposition in Catholic circles from 1867 onwards — though, apparently, no preparations were made to meet the danger.

*Schema constitutionis dogmaticae de ecclesia*, introduced at the Council with the direct consent of the pope, did not even mention the pope in chapter IX *de ecclesiae infallibilitate* which sets forth the doctrine of the infallibility of the Church. We read there: *haec autem infallibilitas, cujus finis est fidelium sanctitas in*



doctrina fidei et morum intemperata veritas, magisteria inest, quod Christus in ecclesia sua perpetuum institutum ad Apostolos dixit: Matt. 28, 19-21 (see Friedrich, *Documenta* . II, 91-3). Chapter XI *de romani pontificis primatu* also says nothing about papal infallibility. To make at that juncture no reference to the point at issue is essentially misleading and incomprehensible, but it was done quite deliberately, and the pre-arranged mechanism worked like a clock.

As early as January 1870, at the initiative of Bishops Martin and Senestre a petition was sent to the pope; it immediately received the support of the majority of the Council members and thus anticipated the decision before any discussion of the subject. The petition asked for the proclamation of the pope's supreme and infallible authority in matters of faith. 46 Council members from Austria-Hungary and Germany immediately sent a counter-petition, asking not to submit this subject for discussion; they were joined by 38 French, 27 American, 17 Eastern and 7 Italian bishops<sup>7)</sup>.

All this was happening in an atmosphere of enforced silence and moral tension. In Rome it was impossible even to print any of the speeches or notes or papers, so that a kind of secret literature sprang up and was passed from hand to hand (it was only published much later in Professor Friedrich's collection).

The petition supported by the majority was submitted to the pope once more, and in answer to it, first, the Instructions were altered (22.II.1870) depriving

the Council — in spite of the protests of the minority — of what freedom had been still left to it, and then an “addition” was made to the *Schema* in ch. XI about papal primacy, and that served as the basis of the Vatican dogma. It was presented to the Council on March 6, and criticisms of it could only be made in writing until March 17. Thus only eleven days were given to the members for criticising a proposition that was suddenly thrust upon them and threatened to undermine the very foundations of church life. One may well understand the alarm and despondency that prevailed at the Council; there was actually talk of the pope being insane. He clearly and indeed blatantly supported the partizans of infallibility, and paid no attention to the petitions and protests of their opponents, giving them no answer whatever.

The collection of written protests against the dogma of papal infallibility shows how strong was the opposition to it <sup>8)</sup>. 61 members wrote that the proposed dogma should be withdrawn and some gave decisive dogmatic and canonic reasons for this; 14 said that the subject required further investigation; others regarded the proposed dogma as a self-contradictory innovation likely to lead to schism; only 56 were more or less in favour of it. But in accordance with the Instructions, the written comments were addressed to the committee, the composition and the attitude of which had been settled beforehand — and of course the committee took no notice of them. As to discussions at general meetings, all they amounted to was that a few members made

speeches which were quite inaudible because of the bad acoustics and wearied most of the audience. Besides, members of the Council suffered from the terrible heat of the Roman summer, particularly trying for elderly people from the Northern Europe. They begged to have the sittings postponed or temporarily suspended, but in vain; heat proved to be an extra ally of the champions of infallibility.

In spite of a number of protests and attempts at opposition on the part of the minority, the original proposition, formulated even more strongly than before (see Schulte 285 f.) was on July 12 put before the Council for deliberation. On July 13, without any preliminary discussion (which was actually contrary to the Instructions) it was put to the vote at the general meeting. After this, and also without any further discussion, it was submitted to the public assembly on July 18, accepted by the majority, with only two dissenting votes and immediately ratified by the pope. Between July 13 and July 18, unbeknown to the Council, the resolution had again been reshaped: it was somewhat abridged <sup>9)</sup>, but had a most important addition: namely, the words *ex sese sine consensu ecclesiae* were introduced into it. These words which contain the very essence of the dogma, were inserted without any preliminary deliberation, put to the vote, and adopted by the Council *en bloc*.

A sincere and impartial observer of the Vatican performance cannot help being shocked by such methods,

however genuine and deeprooted his sympathies for the Western church may be.

But what had become of the opposing party? How could such astounding unanimity have been achieved at the decisive voting, when a new formula had been unexpectedly slipped into the resolution? Evidently the opposition had partly melted away under the influence of the tropical heat and pressure "from above", and besides, something incredible even in the annals of this "Council" had happened to it. After voting against the resolution at the meeting of July 13, the opposition lost heart; it saw the necessity to preserve its unity, but was incapable of defending the common cause. The dissenting members decided to leave the battlefield, with a parting gesture of respect for the pope. On July 17, on the eve of the decisive voting, a declaration was sent to him by 56 diocesan bishops, headed by Schwarzenberg, the archbishop of Prague; among them was the famous Strossmeyer, the Church historian Bishop Hefele, the Archbishop of Paris D'Arbois, Dupanloup and others. They reaffirmed their vote against the motion (*suffragia renovare et affirmare*) but at the same time declared that they would not be present at the public meeting so as not to vote against the proposal in the presence of the Holy Father upon a matter which concerned him personally (*pietas enim filialis ac reverentia . . . . non sinunt nos in causa Sanctitatis Vestrae personam adeo proxime concernante palam et in facie patris dicere non potest*).

This declaration, dictated by weakness on the part of the most independent section of the Council, somehow connects the question of a fundamental church dogma with *pietas et reverentia* for the pope, thus emphasising as it were his bid for personal power.

The pope put the declaration aside, as he had done before with others which displeased him. The signatories thus committed ecclesiastical suicide, and the Vatican dogma was adopted almost unanimously; only the two *non placet* testify that it was possible in spite of all to vote against the proposal at the last moment.

Contrary to the practice of former councils, the resolution was published by the autocratic decision of the pope in the form of a bull of the *Pater aeternus* on July 18. 1870, merely mentioning *sancto approbante concilio*. These words were an external expression of the fact that the Council had abolished itself as such.

It now remained to make the decision of the Council accepted by the masses. To this end excommunications, anathemas and other penalties were speedily introduced. The same bishops who at the Council were proving that the Vatican proposal was entirely contrary to the tradition of the Church, immediately began in their dioceses to insist on the recognition of the Vatican dogma under the threat of excommunication. This was done by bishop Ketteler <sup>10)</sup> and others. The group of German scholars headed by Döllinger (Schulte, Reinkens, Langen, Friedrich and others) were victims of the Vatican dogma; they were eventually driven



to the position of sectarians and founded "Old Catholic" church. The fact that it had so little success shows how deeply Catholicism was imbued with papacy: reformation in the XIX century was a failure, which proved to some that it was wrong, and to others that it came too late.

Conscious and thinking Catholics, free from Ultramontanist fanaticism, had to face the painful task of reconsidering their attitude to the Church. Those who had originally disagreed with the dogma accepted it out of ecclesiastical obedience — but how did they accept it? Was it merely external submission, from habit and discipline, or an inward one, as demanded by the Vatican dogma and the whole system of papacy? If the Pope is the vicar of Christ, the living incarnation of the Church, his decision must be binding apart from all evidence and even against it. One must sincerely and inwardly disagree with oneself, with the evidence of one's own reason and make another's thought one's own: this is the sweet sacrifice of the intellect, *sacrificio dell-intelleto* — if it be possible. It is precisely in such self-conquest for the sake of submission to authority, even against one's whole mind and conscience, that lies the essence of papacy as an ecclesiastical system. But if there is no such inward act of submission, there remains only hypocritical obedience that sanctions falsehood and pretence.

What, then, was the nature of the submission? Some of the former opponents of the dogma changed

their attitude so sharply, that there can scarcely be a doubt about the character of the change. But it is instructive to follow the inner tragedy of the chosen few — of sincere and spiritually responsible men like, for instance, bishops Strossmeyer and Hefele. Both were bitterly opposed to the Vatican dogma and persisted longer than anyone else in refusing to recognise it, but in the end both gave in and submitted. Their letters have been published and enabled us to reconstruct the past. Bishop Hefele writes to Döllinger from Rotenburg on August 10. 1870 (i. e. after the Vatican dogma had been proclaimed by the Pope): “It would have been best to say once more at the Council *non placet* and not comply with the demand for obedience. But as there was no unanimity, we acted in the way that had been indicated, and agreed to work together locally . . . I am not yet sure what I will do but I will never accept the new dogma without the modifications on which we insist, and I will deny that the Council was free or its decisions binding. Let the Romans prohibit and excommunicate me, and appoint someone to administer my diocese. May be God will be merciful and before long call away from the scene the *perturbator ecclesiae* . . .”<sup>11)</sup>. This letter certainly does not testify to the self-abnegation of reason in favour of papal infallibility, and the wish for a speedy demise of the infallible “disturber of church peace” gives one a profound shock, coming as it does from the learned author of *Conciliengeschichte* to whom the history of the developement of church consciousness was an open

book. In his next letter to Döellinger Hefele writes: "To recognise as a divine revelation something which is untrue in itself — let those who can, do so — *non possum* (ib. 223). On November 11. 1870 Hefele wrote to the Bonn Committee: «I too cannot hide from myself, whether in Rotenburg or in Rome, that the new dogma has no true basis in the Scriptures and the tradition, and that incalculable harm has been done to the church, which had never received a more cruel and deadly blow than was dealt to it on July 18» (224). On January 25. 1871 Hefele wrote to his friends at Bonn as follows: "Unfortunately, I must say with Schulte that for many years I thought I was serving the Catholic Church, but I served the distortion (das Zerbild) inflicted upon it by Romanism and Jesuitism. It was only in Rome I saw with perfect clarity that what is happening there is Christian in name and appearance rather than in reality; the grain has disappeared and only the husk remains, everything is completely externalized (*verausserlicht*) » (ib. 228). As the reader can see for himself this is anything but unquestioning submission to infallible authority. Six weeks later, however, Hefele's tone changes: 'by re-interpreting the dogma he becomes reconciled to it, and soon submits altogether (ib. 229).

Bishop Strossmeyer at first was also irreconcilable. On Sept. 7. 1870 he wrote to Professor Reinkins (who later became an Old Catholic bishop), speaking of the pope's despotic and arbitrary behaviour at the

Council and of «unabashed and hideous use of papal infallibility — in order to make that infallibility a dogma» (252). «Papacy has become entangled in petty worldly trade and sunk to the level of a purely Italian institution» (253). He expresses his confidence that his own nation (the Horvats) will «one day free itself from Roman despotism» (254). In a letter to Doellinger of 4. III. 1871 he writes: «the most objectionable and absurd means were used to prevent a free exchange of opinions. I repeat for the hundredth time that never, never can God give His blessing to a thing that has come about in this fashion» (254). «If ever in history a meeting was the very opposite of what it ought to be, it was the Vatican Council. Everything which could compromise the name of “council” was there to a superlative degree» (255). «Of course in Rome there is no breath of the spirit of Christ, for whereas He forbade to call Him “good”, in Rome they strove in a most shameless way for the title of *infallibilis*» (257). Strossmeyer, too, constantly expresses a wish for the death of the pope: «for some days past people have been saying here that the Pope was dangerously ill and even that he died. This would be a real blessing for mankind . . . » (258); see also a number of similar letters to various people: 258-263).

But this bishop too ended by submitting. In the words of Schulte «he did not care about doing something for the faith, since his sole interest was to raise up the Yugoslav nation». This Slav nationalist so comple-

tely forgot the voice of his conscience as a churchman that in 1881, out of national and political considerations, he himself proclaimed in his pastoral epistle papal omnipotence and infallibility. It is noteworthy that about the same time Strossmeyer, with the weight of this compromise on his conscience, was trying to convert V. Solovyov to Catholicism.

## II

Adherents of the Vatican dogma endeavour to prove — and indeed are bound by that very dogma to do so — that it has always been held by the Church (in accordance with the maxim of Vincent of Lira: *quod semper, quod ubique, quod ab omnibus creditum est*). This is utterly out of keeping with the facts, as was incontestably shown by the Catholic opponents of the Vatican dogma at the Council and outside it (in showing this, the group of scholars who eventually joined the Old Catholics did a great service to the Church). Less than a hundred years before the Council papal absolutism was recognised only by certain schools of theology and certainly not by the Catholic Church as such <sup>12)</sup>. The doctrine in question was solemnly rejected by the whole Catholic Church at councils the significance of which is now usually belittled or altogether denied.



The reference is of course to the great councils of the Reformation period, at Constance and Basel; the first is regarded as partly an œcumenical council, and the second is not recognised at all.

According to the Vatican dogma the pope is the supreme and infallible head of the church, not responsible to anyone or subject to any jurisdiction, since there is no ecclesiastical authority above him. This idea is in irreconcilable contradiction to the dogmatic fact (i. e. a fact having a doctrinal significance) that in the history of the Catholic church there have been — and therefore may be — disturbances connected with the pope as a person. On such occasions the church, as represented by its bishops, was faced with the necessity, first, of deciding which was the true pope out of two or even three anti-popes and, secondly, of judging and deposing these popes and enthroning a new one.

Indeed, if the Vatican dogma is consistently thought out, the interruptions of papacy naturally brought about by the death of a pope must cause dogmatic perplexity: if a *vicarius Christi* can exist at all, how can he be mortal? How can the actual order of papacy be interrupted, as undoubtedly happens through death? A patriarchate may become vacant when a patriarch dies or is removed, but then patriarchy is not a special holy order, which papacy is supposed to be. Patriarchy is an ecclesiastical office with exalted rank and special jurisdiction attached to it, but as far as holy orders are concerned a patriarch is a bishop — and the

order of episcopacy, like that of priesthood, is not interrupted by the death of its individual representatives, and will go on till the end of time. With papacy the case is different: a break is caused by the death of its representatives, since a pope exists only in the singular.

If it be said that papacy is not a special order but only an office, since the pope is in bishop's orders, that will be quite in keeping with the view of the universal church before the schism, but it will be contrary to the Vatican doctrine. According to it, there is a special grace (*charisma*) given to Peter and his successors — *veritatis et fidei nunquam deficientis* — which constitutes the order of papacy. Roman Catholic theology has gradually raised St. Peter so high above the other Apostles that he is no longer regarded as one of them but as a prince of Apostles. In addition to the general apostolic charisma he has his own, personal one, similarly to the way in which episcopacy includes priesthood. A bishop celebrates the liturgy like a priest, and does not differ from him in this respect, but it does not follow that they are of equal rank. The same considerations apply to the Catholic conception of the pope, for whom a fourth and highest degree of holy orders has been created. True, Catholic literature contains no direct expression of the idea that papacy is the highest of holy orders — that of *episcopus episcoporum* or *episcopus universalis*, but this is either evasiveness or inconsistency; the special and exceptional place assigned to the "primate" in Catholic canonical writings can have no other meaning<sup>13)</sup>.

But if papacy be understood as a special order of St. Peter ( *Tu es Petrus* is sung when the newly elected pope is carried in procession), the difficulties which have already been mentioned stand out all the more clearly. On the one hand, bearers of lower hierarchical orders cannot ordain to higher orders, so that the consecration of a pope by bishops (cardinals) is canonically and sacramentally unmeaning: the pope ought in his life-time to consecrate his successor. On the other hand, if an order is discontinued because there is no bearer of it, there is a break in the apostolic succession as a whole. The permanent miracle of the existence of a *vicarius Christi* requires his personal immortality. The dogmatic teaching about the pope must certainly be made less presumptuous and confine itself to regarding the pope as simply a patriarch — but that, of course, means the fall of the whole Vatican fortress. In any case, as has been said already, the mere fact of the death of a pope has dogmatic implications which have not yet been satisfactorily dealt with by the Roman theologians.

Still greater dogmatic importance for the problem of papacy attaches to intentional and artificial interruptions in papal succession, due to the papal court's desire to manage by themselves for a time, without the *vicarius Christi* <sup>14)</sup>. What becomes meanwhile of the fulness and infallibility of ecclesiastical power? If the answer be that it remains with the church, this means that the church can do without a pope, being "widowed"

for a time like a diocese without a bishop. This clearly proves, one would have thought, that not the church is a function of papacy, but papacy is a function of the church which can, in certain circumstances, make up for the absence of the pope.

The problem which the death of a pope raises indirectly, comes openly to the fore in the case of ecclesiastical schism when there is more than one pope in existence. When this happened the church itself, through its highest organ — the council, settled matters, judged the popes, deposed some and appointed others. The superiority of the council to the pope, dogmatically laid down at the Councils of Constance and Basel, had been exercised by them before this dogmatic proclamation was made. Those councils rejected the claim that the pope is not subject to any ecclesiastical jurisdiction, «*prima sedes a nemine judicatur*». They judged and deposed the popes, and neither the church, nor Pope Martin V appointed by the Council of Constance, nor his successors, objected to this. To object would have meant questioning their own legitimacy and admitting that they were usurpers.

I repeat, these facts have a dogmatic significance; Roman Catholics are fond of saying that Providence has preserved the see of Rome from dogmatic errors, but in this case it may with equal justice be said that Providence allowed certain facts, the dogmatic significance of which was to preserve the Roman see from making false claims and to give clear indications of the right course <sup>15)</sup>.

Turning from facts to doctrine, we must say that at the beginning of the XV century, allowing of course for many exceptions, the general opinion of the Catholic church was opposed to papacy as an ecclesiastical system and favoured the idea of councils. This was apparent both at Constance and at Basel. Even the most ardent adherents of papacy admit that the Council of Constance was necessary, useful and even (in part) œcumenical in character, but they strive at all costs to weaken its dogmatic decision, accepted at the 4th session and directly contradictory to the Vatican dogma. That decision is as follows: *Ipsa synodus in spiritu congregata legitime generale consilium faciens, ecclesiam catholicam militantem representans, potestatem a Christo immediate habet, cui quilibet cujuscunque status dignitatis, etiamsi papalis existat, obedire tenetur in his quae pertinent ad fidem et extirpationem dicti schismatis et reformationem generalem ecclesiae Dei in capite et membris* <sup>16)</sup>.

At the 5th session this statement, subsequently confirmed more than once at the Council of Basel, was repeated and amplified. It was accepted after the flight of Pope John XXIII when the Council was about to try him for a number of offences. The result of the trial was that the pope was deposed, and another pope, Martin V, was elected; the procedure was recognised by the whole Catholic world as legally valid. But according to the principle "*prima sedes a nemine judicatur*", and, a fortiori, according to the Vatican dogma, the act of trying and deposing a pope, and elec-



ting a new one in his place is unlawful and revolutionary. If, however, the council had a right to act as it did, it obviously had dogmatic and canonical reasons for it, expressed in the resolution passed at the 4th and the 5th sessions. The deposition of one pope and election of another is a d o g m a t i c, or as lawyers say, conclusive fact, either disproving the absolute primacy of popes or interrupting their canonical succession: if Martin V is not a lawful pope, his successors are not lawful either; papal succession is discontinued.

Instead of drawing all the dogmatic and canonical conclusions from this impasse, by means of which Providence as it were delimits the claims of papacy, Catholic theologians do their utmost to minimise the significance of the awkward facts; this is what Hefele, the learned h i s t o r i a n of the Council of Constance strives to do. He recognises that the course adopted by the Council at the difficult time when there were three popes at once was the only possible one. Thus he admits the legitimacy of actions which in his view are ecclesiastically illegal. According to the Roman Catholic doctrine it is as impossible for a council to depose a pope and appoint a new one, as it is impossible for priests to consecrate a bishop. But Hefele goes on to say that the Council of Constance may only be regarded as œcumenical after its last (41 -45) session, when it worked jointly with Pope Martin V. If, however, it was not legally valid or not œcumenical (to use Hefele's deliberately vague phraseology) from the first, its transactions

have no validity, and it could not become œcumenical in conjunction with a new pope for, in that case, he would not be a rightful pope <sup>17)</sup>.

The same far-fetched devices are used to explain away the fact that Pope Martin V had confirmed several, if not all, decrees of the Council of Constance, recognising it as œcumenical if only in part, but never declared any of its decrees to be heretical. He undoubtedly ratified the dogmatic decrees concerning the false doctrines of Wycliffe, Huss etc. proclaimed by the council at the same time as the decree about the authority of an œcumenical council over the pope<sup>18)</sup>. Is it possible that a council, said to be heretical in respect of a fundamental dogma about the church, should in another respect be considered œcumenical? This is one of the evasions and ambiguities of the Roman doctrine, historically explained by the simple fact that Pope Martin did not venture to protest against the resolutions which displeased him, waiting for a more favourable moment to do so, and at the same time wishing to make use of the council for the struggle against the heretics. But from the point of view of dogma we have here an impermissible ambiguity. Pope Martin V's pronouncement with regard to the Council of Constance could, as Hefele himself admits, be interpreted by each side in its own way (Hefele, VII, 348, 368).

His successor, Pope Eugenius IV, was more precise and in 1446 accepted the decisions of the Council of Constance *absque tamen praejudicio juris dignitatis et praeeminentiae sedis apostolicae*. Hefele takes this to mean that all the resolutions limiting papal power are excluded (v. VI 372-3). Later on, in 1459, Pope Pius II in the bull *Exsecrabilis* condemned appeals to a council against the pope; in 1516 Pope Leo X in the bull *Pastor aeternus* condemned the resolution of the Council of Basel (which merely restated that of the Council of Constance) about the supremacy of the council over the pope. This was how matters stood until Pius IX issued the bull *Pater aeternus* in July 1870 — and this is how they stand now.

It is instructive to observe to what extent Roman Catholic dogmatic theologians are hypnotised by papism. The seal of papal approbation has so decisive a significance for them that they lose all interest in the council which was the primary source of the doctrines receiving the approbation. A council consisting in one respect of obvious heretics establishes the true faith — a fountain sends forth both sweet water and bitter! Or else, a council becomes simply a papal office for drawing up theological projects.

### III

This vacillation and inconsistency is even more apparent at the Council of Basel where a regular struggle with the pope was carried on for many years with varying success.

After the victory of papacy the Council of Basel was, naturally, excluded from the number of œcumenical councils recognised by the Western Church (although it was at this council that the Roman Catholic dogma of the Immaculate Conception of Our Lady, proclaimed in 1854 by Pope Pius IX was formulated). What is of interest to us, however, is not this final rejection of its œcumenical character, but the changes in the pope's attitude to it while it was still sitting. Such changes would have been impossible had the church already held at that time the dogma of papal infallibility. On the contrary, the Council of Basel firmly maintained the dogmatic definition of the Council of Constance and re-stated it more than once.

The Council of Basel was opened on July 23. 1431, soon after the election of Pope Eugenius IV (after the death of Martin V) and immediately came into con-

flict with the pope who wished to dissolve it and call a new council in Italy at Bologna. (It had been decided at Constance that councils were to be held every ten years). The Council passed a resolution denying the pope's right to dissolve it — and therefore denying his *plena potestas*. After a time the pope began negotiations with the rebellious Council and offered either to transfer it to some other place or to limit its competence; the offer was made through the Bishop of Tarentum, who in his speech at the Council extolled papal primacy and *plena potestas*. In answer, the Council accused the pope of schismatic tendencies and demanded that the order for its dissolution should be revoked; the dissolution, in their opinion would, among other things, hinder the union with the Greek Church, of which the pope had spoken. As against the contention of the Bishop of Tarentum that the pope had *plena potestas* and the bishops *in partem sollicitudinis* only, the council maintained that it was competent to deal with matters of faith, with eradicating schisms and reforming the church in respect of its head and members, according to the definition laid down by the Council of Constance. Only God and œcumenical councils were infallible, while even angels were fallible, and popes too, as for instance Anastasius and Liberius. Altogether, the pope was no more than *caput ministeriale*.

By these arguments the members of the Council were proving that their insubordination was legitimate, and the pope's claims unjustifiable (Hefele VII, 477-8).



As time went on, the difference between the council's and the pope's conception of ecclesiastical authority grew more and more pronounced. At the II session on 27. IV. 1433 resolutions were passed compelling the pope to convoke a council periodically and to attend it, under penalty of being called before a tribunal and even of being declared a schismatic. On June 16 a new resolution was passed condemning the pope for his attitude to the council and saying that the subordination to the council was a matter of doctrine, "*fidei concernit*", so that if Pope Eugenius IV neglected to hear the church (i. e. the council), he would be as an heathen man and a publican. On July 13 the main theses of Constance were once more confirmed at Basel. The conflict with the pope developed into a regular struggle for power; the pope was summoned before a tribunal and although the trial was postponed more than once, it took place at last and the pope was deposed.

Before this happened, however, certain events raising important theoretical issues took place. On July 29. 1433 the pope, unaware of his indictment by the Council published the bull *Inscrutabilis* cancelling all the resolutions which the Council had passed against him. Two days later, however, on August 1, he had to issue another bull, *Dudum sacra*, in which he fully recognised the Council on condition that his legates should preside there, and that all the resolutions directed against him personally should be cancelled. At the same time, a former bull, *Deus novit*, attacking the Council, was declared to be unauthentic. When,

however, the pope heard of the council's decrees against him, he issued on September 11 a new bull, *In arcano*, annulling those decrees and anathemising those who obeyed them.

On October 16 a debate was held at the Council, in the presence of Emperor Sigismund, between the president of the Council, Cardinal Julian Cesarini, and the papal legate, Archbishop of Spoleto, on the same subject that was discussed at Vatican in 1870, but in a very different setting. Cardinal Cesarini maintained the primacy of the council over the pope, citing the authority of the council of Constance, of the seven Oecumenical Councils and particularly of the Council of Chalcedon, of St. Augustine, St. Jerome and St. Gregory the Great, and disputed the pope's right to dissolve a council. He concluded by saying that this was a matter concerning faith (ib. 554). Conditions of peace were dictated to the pope, and as he was in a difficult position, he accepted them in toto in a new bull, also called *Dudum Sacra*, December 15.1443. He admitted in it that he had striven for the dissolution of the Council, and this had led to grave dissensions. He did not use the former authoritative formula "*volumus contentamur*", but the formula suggested by the Council: *decernimus et declaramus*. He recognised that the Council from the first carried on its work legitimately in respect of the three main points (uprooting heresy, pacifying and reforming the church in its head and members) and of matters connected therewith. The pope speaks as though the Council had never been dissolved;

the order for its dissolution is declared to be null and void, and he is ready to wish the Council *cum effectu ac omni devotione ac favore prosequi*. The two former bulls, *Inscrutabilis* of July 26 and *In arcano* of September 11 are cancelled (as well as the unauthentic *Deus novit*), and all the strictures against the Council members rescinded <sup>19)</sup>.

Let the champions of papal infallibility reconcile as best they can all these hesitant and contradictory statements made in the course of a few months on the same subject, undoubtedly dealing with *fide et moribus*. It is obvious that the pope's recognition of the council which openly and *de fide* asserts its primacy implies that such assertion is legitimate. Otherwise there would be no escaping the conclusion that the pope recognised a manifestly heretical council, persisting in its heresy.

But since the pope submitted to the Council insincerely and out of sheer necessity, he prepared for himself a way of retreat by means of the usual evasions. When circumstances changed, he declared at the College of Cardinals in 1439 that he had consented merely to prolong the Council but certainly had not accepted its decrees. This idea was adopted and zealously supported by the papal theologian J. Torquemada <sup>20)</sup>. In the bull *Moyse* of September 4. 1439, the pope actually condemned the Basel decrees as impious, and attempted at the same time, following Torquemada's tortuous arguments, to undermine the force of the decree of the Council of Constance <sup>21)</sup>. All this, however, happened

much later; at the time the pope's capitulation was welcomed at the Council of Basel as a great triumph and immediately registered in its transactions<sup>22)</sup>. The most important thing to note is that the Council, after being recognised by the pope, re-stated at the session of June 18. 1434 the Vth decree of the Council of Constance about the supremacy of the council over the pope. All the resolutions passed at Basel were issued as bulls in the name of the Council, in contradistinction to the Vatican where «the decision of the Council» was published in the form of a papal bull<sup>23)</sup>.

A new factor was introduced into the history of the Council of Basel by negotiations with the Greeks about the union of the Eastern and Western Churches, eventually proclaimed at the Council of Florence. Leaving aside the question of the union as such, we are here concerned simply with the part which that Council played in the destinies of the Western Church. From the very first, negotiations with the Greeks became a weapon in the struggle between the pope and the Council of Basel. The Greeks cared very little about real union with the Western Church, which they regarded with traditional hatred and loathing; the Emperor wanted the union for purely political reasons, hoping for military help against the Turks. None of the Greek delegates were, to begin with, favourable to the Latins, but as the Council went on with its work, some of them, like Vissarion and Isidore, changed their attitude.

Quite apart from all this, however, the Greeks (who were mistaken in their political calculations) began discussions about the union at a time when the Western Church was paralyzed by its own dissensions and itself needed uniting. Negotiations could be carried on with only one of the two parties into which the church was split, and each wanted to turn the union with the Greeks to its own advantage. The Greek delegation at first negotiated with both sides — the pope and the Council, — and each made advances to the Greeks, sending to Constantinople embassies which quarrelled with and plotted against each other. They promised the Greeks various favours, each trying to outbid the other. This went on for more than four years <sup>24)</sup>.

In the end the pope won, and the Greeks consented to come to his council — not, of course, because they regarded it as canonically legitimate, but because the Basel party went too far in their objections to the place where the council was to sit; besides, they quarrelled among themselves and made a number of tactical mistakes. Nevertheless after arriving at Ferrara, the Greeks did nothing for six months (from April to October 1438), waiting for members from Basel and representatives of the French and German peoples who never arrived at all. As a temporary expedient the Greeks had to deal with a papal *conciliabilum* which consisted of eight cardinals (all the others were at Basel), two “titular” patriarchs, 61 archbishops (*mostly electi* i. e. “Vatican archbishops”), 43 abbots and



a general of an Order; all real representatives — some hundreds of them — were at Basel. Accordingly, the Council of Florence was not a general council and was not regarded as such in the West till the XIX century<sup>25)</sup> on the strength of the Vatican dogma. True, the pope assured the Greeks at that time that his presence was sufficient to ensure that a council was a General one; but in that case there was no need to have a council at all, and negotiations could be just as well carried on with the pope alone. This, indeed, was what happened at the so called "General" Council of Lyons in 1274, when the emissaries of the Emperor Michael read to the pope's legates the *confessio* required of them, and the matter ended there. But it was impossible to force the issue in that way after the Greeks had been negotiating with the whole Western Church as represented by both its centres — the pope and the council. And it soon became evident that a General Council with the Greeks was a failure, for the Basel party opened hostilities at once. While in Florence the Greeks were being forced to recognise the pope's supremacy, another part of the Roman Catholic Church denied this supremacy as a matter of dogma. It was the hopeless position of the Greeks as well as their indifference to the question at issue that prevented them arbitrating in the great schism in the Western Church and implanting there the principles of Orthodoxy. Had they done so, they would have prevented the fall of Byzantium and the coming of the Reformation.

By the time that the Council of Florence had assembled, a new conflict developed between the pope

and the Council of Basel. The pope issued a bull transferring its sittings to Ferrara; in reply the Basel party held a trial condemning the pope and prohibiting him *in temporalibus et spiritualibus*. When the pope declared the General Council at Ferrara opened, members of the Basel Council on March 24. 1438 solemnly condemned it as a schismatic gathering and denied *de fide* the pope's right to transfer a General Council from one place to another. The most important of the Catholic countries, France and Germany sided, on the whole, with Basel (consider, e. g. the Bourge Assembly and "pragmatic sanctions" 7. VII. 1438, Germany's conciliatory "neutrality", and the Reichstag of Mainz on 26. III. 1439 accepting the reformational decrees of Basel); all the West European countries were anxious to have a new General Council convoked. In any case, there was no question of recognizing the Council of Florence, and the pope, with the Greeks whom he had inveigled, remained isolated. The profound cleavage in the Western Church made speeches about union with the Eastern Christians ring hollow.

At the 32nd session of May 16. 1439, in answer as it were, to the future declaration of the Florentine Council, the following theses were once more laid down *as veritates fidei catholicae*: 1) an œcumenical council is superior to the pope; 2) the pope cannot transfer, or cancel, or dissolve an œcumenical council; 3) anyone who denies this is a heretic (Hefele, VII 778-9). At the 34th session of June 25. 1439 the pope was declared

to be deposed after trial. Thus, at the very time when in Florence union with the Greek Church was being signed, at the Council of Basel, which in any case represented a considerable section of the Western Church, the plenary rights of the pope and of his council were denied, and the thesis about the supremacy of the pope, proclaimed at the Council of Florence, was, from the point of view of dogma, rejected as heresy. But the Florentine thesis, disputed at the time, was resuscitated in our own day by the Vatican Council and put at the basis of its definition <sup>26)</sup>. The statement, expressed in inexact, metaphorical and somewhat ambiguous terms had not been sufficiently discussed <sup>27)</sup>, and was forced upon the Greeks at the conclusion of a council which had lasted for many weary months.

It is worth noting that John of Ragusa, in his answer to Vissarion, justified the pope's power over the bishops as his vicars by the alleged fact that St. Peter appointed patriarchs, metropolitans and bishops to various dioceses; in supporting this, he quoted a spurious passage from pseudo-Isidore's *Anaclyte*, and an also spurious text of the 6th canon of the 1st Nicean Council. (The text had been proved to be spurious at the IV Oecumenical Council of 451, where papal legates had attempted to make use of it). In his arguments John of Ragusa referred also to the notoriously spurious *Donatio Constantini* — a document which had already been proved unauthentic by Laurentius Valla and Nicolaus Cusanus (Hefele VII. 733).

The statement had apparently not been discussed in detail, though there was a dispute about an important addition, insisted upon by the Latins but rejected by the Greeks — namely, the assertion that papal authority must be recognized on the strength of *sacra scriptura et dicta sanctorum*. It would have been difficult to avoid ascribing exaggerated significance to “*dicta*” taken out of their context, and finally the addition took the form of KATH’ON TROPON — *quemadmodum (etiam) in gestis conciliorum et in sacris canonibus*. This all-important formula is unquestionably vague and ambiguous. If it be understood with reservations as meaning that the pope’s primacy holds solely within the limits of œcumenical councils (of which the Greeks recognize only seven) and their canons, this interpretation implies that the Orthodox East is right in regarding the pope as first among bishops and precludes anything resembling the Vatican dogma. If, however, the reservations are taken away (as is done in the Latin translation by adding *etiam*, to which there is no equivalent in the Greek text <sup>28)</sup>, it means that the councils and canons recognized papacy in the same sense as modern Catholicism does — which was certainly not the case. The Councils of Constance and Basel clearly show that within the Roman Catholic Church itself disagreement on the subject was as strong at that time as at the time of the Vatican Council; but in the XV century it was expressed freely, and in 1870 it was stifled.

While proclaiming papal supremacy, the Council of Florence passed over in silence the burning question of the day — namely, that of the relation of the pope to the council. There is reason to think that at that time the question was not regarded as settled by the Florentine decree. In September or October 1439, when the Council was over, the pope arranged in Florence a debate on the subject in the presence of cardinals and other ecclesiastical dignitaries. Cardinal Cesarini defended the thesis adopted by the Council of Basel, and Juan Torquemada (who was soon after created cardinal) opposed him — so, obviously, it was still an open question <sup>29)</sup>. Torquemada himself did not believe in papal infallibility: he maintained that the pope was not subject to any jurisdiction unless he fell into a heresy — which, however, was incredible. Hefele also admitted such a contingency and thought that in that case the pope would cease to be a live member of the church. But of course this was Hefele's opinion before the Vatican Council took place.

The Council of Basel persisted in its quarrel with Eugenius IV and at the end of 1439 elected an anti-pope, Felix V, who afterwards transferred the Council to Lausanne. The schism was renewed and only after the death of Eugenius (in 1447) the newly elected pope Nicolas V, who succeeded in making peace with the princes and securing their mediation, began negotiating with the anti-pope. The following conditions were offered to Felix V: he was to renounce the tiara



and receive compensation in money from pope Nicolas, and besides remain first cardinal enjoying all the privileges which this entailed. Felix agreed, and Nicolas V, in a special bull, revoked all the strictures upon Felix, the Council of Basel and their adherents. Felix, on his side, rescinded in a special missive all the censures against Eugenius IV, Nicolas, and their adherents, and confirmed his own privileges and appointments. At the second session of the Council at Lausanne Felix signed his resignation, saying that for the good of the church he had accepted from the General Council his nomination as pope, and that at this very Council which, having been lawfully convoked in Holy Spirit, lawfully represents the universal church, he resigned "*pure, libere, simpliciter et sincere, realiter et cum effectu* in the name of the Father, the Son and the Holy Ghost". At the sessions that followed the Council reaffirmed its theses and, in view of the vacancy (sic!) of the papal see, also elected Nicolas V.<sup>30)</sup> Then it conferred upon Felix the rank of cardinal, the power of jurisdiction, the status of being next to the pope in authority and presented him with papal vestements and some of the insignia. The Council was closed. The conclusion of peace was solemnly celebrated in Rome; in the bull of 18. VI. 1449 the pope confirmed all the decrees issued by the Council and by pope Felix, who died two years after his resignation in the odour of sanctity.

This peaceful settlement of the church schism meant of course for both parties a compromise dictated

by considerations of ecclesiastical "œconomy" or simply of expediency. In spite of this, however, it is a fact of dogmatic significance.

To begin with, reconciliation or agreement with heretics, stubborn schismatics and rebels is impossible for the Church: the Vatican has always been prepared to excommunicate and anathemize them. And yet, the members of the Council of Basel had in no way surrendered their dogmatic and canonic positions and, in spite of the decree issued by the Council of Florence, went on maintaining the supremacy of the council over the pope and its sovereign rights in church administration. They also steadfastly upheld the rights of Pope Felix who abdicated freely, for the good of the church, on most honourable terms guaranteed by the Council and agreed to by the future pope — Nicolas. This new pope too was elected by the Council and not simply accepted by it as an already existing lawful pope whom every faithful Catholic must obey. The terms offered to Felix were faithfully carried out by Pope Nicolas. The question may now be asked, who was this Felix whom Pope Nicolas made a cardinal? Was he an anti-pope, a rebel, and adherent of the Basel heresies? He rejected "the General Council of Florence" and its decree about papal authority — if only because that Council, anathemised by the Council of Basel, was convoked by Pope Eugenius who had been deposed at Basel. And what was this Lausanne assembly with which the pope made agreement, formally accepting

the terms drawn up by it? Was it a General Council as it described itself, or a council of the ungodly, a heretical and rebellious gathering which presumed to judge and depose a pope, to elect a new one, to anathematize a papal council and proclaim new — and from the Vatican point of view, false and heretical — dogmas about the subordination of the pope to the council? Is it permissible, even for the sake of “œconomy” to have agreements or even to negotiate with ecclesiastical usurpers and heretics? Surely the man who goes to the council of the ungodly and approves of their designs is to blame — even if it be the pope himself?

It must be one or the other: either the Roman Church fell into a grievous heresy and vitiated its hierarchy by entering into communion with Belial and accepting Pope Nicolas who was elected by an impious assembly, or the Roman Church recognized the Council of Basel and its dogmas (not to speak of the Council of Constance which had, in fact, been already recognized). But in that case, a number of other questions inevitably arises. If the Council of Basel had canonical authority in 1449, it means that it had preserved it in spite of all the strictures of Pope Eugenius IV; but if so, the Council’s act of censoring and subsequently deposing that pope was valid, as well as its act of anathematizing and annulling the Council of Florence. The latter is, at best, canonically ambiguous and if only for that reason has no binding authority for the universal church. And yet, the Vatican derived dogmatic support from the Council of Florence.

The next question is altogether insoluble: which of the two was the true pope and which the anti-pope — Eugenius or Felix? In fact, they have been both recognized by the Roman Church: Eugenius so long as he lived, and after his death — Felix, whose abdication was interpreted as a free act, leading to the election of a new pope. Moreover, after being deposed at Basel, Eugenius was never for a moment regarded as a pope by the whole church, because Basel remained permanently opposed to him. Felix, on the contrary, at any rate at the time of his abdication seemed to be recognized by the whole church — both by the church of Basel and that of Rome.

All this confusion is due to the fact that the authority of the Basel Council and of the pope elected by it was indirectly recognized by the Roman Church at the time when the Council was coming to an end. The traditional political ingenuity and opportunism of the curia proved in this instance to be inexcusable dogmatic opportunism which resulted in a vague and ambiguous interpretation of the most fundamental principles. Inconsistencies arising from this are as damaging to the Vatican dogma as were the ambiguous and self-contradictory behaviour of Popes Vigilius and Liberius and the heresy of Honorius — so persistently, but in vain, recalled at the Council of Vatican. But it is remarkable that no one drew attention to the dogmatic fact discussed in the present essay.

By obtaining the recognition of its validity in spite of all, the Council of Basel won a dogmatic victory

ry; but as a matter of historical fact victory was won by papacy. This inevitably led the Church to the Reformation, i. e. to a final and irremediable schism, and at the same time to the Vatican decree as the culminating point of counter-Reformation and to its decisive victory within the Roman Catholic Church.

As soon as the popes felt their position secure, they began retrospectively and in opposition to their predecessors to wipe away the traces left by the Basel Council. In 1460, i. e. ten years after the papal recognition of it and the final reconciliation, Pope Pius II (in the bull *Exsecrabilis*) announced that to proclaim the right of appealing to a council against the pope was an offence deserving anathema<sup>31)</sup>. In 1516, at the very beginning of the Reformation, Pope Leo X in the bull *Pastor aeternus* (Enchir. 257) declared that the Council of Basel was invalid after the pope's attempt to transfer it to Ferrara, and its decree about a council being superior to the pope was invalid also (as though this decree had been proclaimed by the Council of Basel alone, and passed after the proposed move to Ferrara!). Vatican's memory thus proved to be very short. The next step was to exclude the Council of Basel from the number of general councils altogether and to limit the significance of the Council of Constance, while extolling that of the Council of Florence. The traditional mechanism worked effectively, and when the stamp of infallibility had been issued at Vatican, the technique of work became much simpler, so that now no one dares to



defend the authority of the Councils of Basel and Constance <sup>32)</sup>.

But all this is subject to revision — *donec corrigetur* — and it is quite conceivable that one day the picture will be reversed and *Florentinum* and *Vaticanum* will change places with *Constantiense* and *Basiliense*; their history is not finished yet . . . Let us go on, however, to consider the Vatican dogma as such.

#### IV

The Vatican dogma consists of two parts. The first, *Constitutio dogmatica de fide catholica* (*sessio III*, 24 Aprilis 1870) is in three chapters and is like a page from the catechism; it bears witness to the general tendency of Catholicism to multiply dogmatic definitions, whether called for by the essential needs of church life or not. At the same time it serves, so to speak, to camouflage the locality and conceal the main battery — namely the second resolution of the Council, *Constitutio dogmatica de ecclesia Christi*, *sessio IV*, 18 Julii 1870, i. e. the actual Vatican dogma which marks an epoch in the history of Catholicism. It consists of a general introduction and four chapters which set forth the grounds for adopting the “canon”, and of the “canon” itself, accompanied by anathemas against those who do not accept it. (According to the meaning of these anathemas, by the way, they are directed against

all non-catholics who do not recognize the Vatican dogma and consequently against all schismatic *fratres separati*, including us, Orthodox, as well.) The "grounds" were put before the faithful during the actual session of the Council and they are not as unquestionably binding as the canon itself.

CANON I: Therefore if someone says that the blessed apostle Peter was not appointed by the Lord Christ as the head of all the apostles and the head of the whole church militant, or that he did not receive directly and immediately from same Lord Jesus Christ the primacy not only of honour but of true and actual jurisdiction, let him be anathema.

CANON II: Therefore if anyone says that it is not by divine right or by divine decree of the Lord Christ Himself that the blessed Peter has an unbroken line of successors of his primacy, or that the Roman pontifex <sup>33)</sup> is not a successor of the blessed Peter in such primacy, let him be anathema.

CANON III: Therefore, if anyone says that the Roman pontifex has only power of supervision or direction and not the full and supreme power of jurisdiction in the whole church, not only in matters concerning faith and morals, but even in those concerning the discipline and government of the church throughout the world; or that he has only the most important part and the fulness of this supreme power; or that this his power does not extend ordinarily and directly to

all and every church and to all and every pastor and believer, let him be anathema.

CANON IV: Therefore, faithfully following the tradition accepted from the beginning of the Christian religion, to the glory of God the Saviour, to the aggrandizement of the Catholic faith and the salvation of Christian peoples, we declare and determine, with the approval of the sacred Council the following dogma to be divinely revealed: The Roman pontifex, when he speaks *ex cathedra*, i. e. when, fulfilling his office of pastor and teacher of all Christians, in virtue of his supreme apostolic authority, he defines a doctrine about the faith or morals as binding upon the whole church, he enjoys, with God's help promised to him in the person of the blessed Peter, the infallibility which the Divine Redeemer vouchsafed to His church in so far as it defines doctrines on faith and morals; in this wise, the definitions laid down by the Roman pontifex are as such, apart from the assent of the church, not subject to correction.

(*Canon*) "If anyone ventures to contradict this our definition, which God forbid, let him be anathema." <sup>34)</sup>

In contradistinction to other Catholic councils, including that of Constance and even Trent, the resolutions of the Vatican Council are put in the form of a bull published as the pope's personal decree. The first two chapters of this astounding decree con-

tain the doctrine which from early times — though not from the beginning — was held by the Roman Church about the primacy of Peter, handed down in succession to Roman pontiffs. It was not, however, expressly and decisively made into a dogma, except perhaps at the Council of Florence<sup>35)</sup>. The Vatican decree expounds the meaning of this primacy in its two aspects — with regard to the fulness of power and jurisdiction and to the dogmatic infallibility. The second part seems the more startling of the two, but the first<sup>36)</sup> is no less essential, or to put it more correctly, both are equally important in their interconnection. Canon III gives the pope absolute power, admitting of no exceptions, over the whole church, all its members and all its affairs — complete power in the exact sense of the term, i. e. not “the primacy of honour” but of direct and ordinary jurisdiction. This means, in other words, that at any rate so far as jurisdiction is concerned, the pope is the only power in the church, since there is not and there cannot be any independent power beside him. The bishops are deprived of their staffs and become mere celebrants, wholly dependent on the pope in all things, since his power is not merely supreme, but ordinary and immediate. The pope is the only bishop that has power. The annihilating force of this unheard of spiritual absolutism takes us far back in the pre-Christian era to the Egyptian theocracy and the pagan “Pontifex Maximus” of the Roman Emperors. In the face of it the reservation referring

to Canon III (*cap.* 3) sounds hollow and merely formal <sup>37)</sup>.

It remains utterly incomprehensible how there can be in the church any stable power not included within the fulness of papal jurisdiction. And if we are to use the popular comparison of papacy to monarchy, it may well be pointed out that an absolute monarchy leaves no independent power to ministers, provincial governors and other officials. Exercise of power is delegated to them in fact, but it must always and in all things be in accordance with "His Imperial Majesty's *ukase*". The pope may command and require anything under the threat of the most dreadful punishment — spiritual death-penalty, anathema (especially as the popes had long before assumed the right of ruling not only in this world, but in the next one as well — in purgatory by means of indulgences. In this sense indulgences are directly connected with the development of the pope's *plena potestas*, and the practice of issuing indulgences is one of the manifestations of papistry). It will be said no doubt that the pope is limited by ecclesiastical law, by dogmas and by the general tradition of the church, just as an absolute monarch has been said to be limited in a similar way. In fact, however, just as an absolute monarch is not bound by laws but imposes them on himself of his own will, so the pope is himself the living tradition of the church or, more exactly, according to the Vatican dogma he alone is that tradition. He, therefore, is not bound



by it, but has the power to interpret it authentically; the "verdict of the Apostolic see", which is the highest authority, may not be revoked by anyone, and no one is allowed to criticize it. The finality of the verdict implies in fact its infallibility, even if the latter had not been specially mentioned in Chapter IV. The possibility of a pope proving to be a heretic is precluded since the existence of a body which could presume *de ejus judicare judicio* and testify to his heresy is ruled out beforehand<sup>38)</sup>. In this way there is established a juridical and so to speak mechanical infallibility connected with the papal office or rank, which is for life and not subject to cancellation.

Canon III confers on the pope such absolute power within the church that infallibility follows as a matter of course; canon IV, which generally attracts more attention, is in a sense an attempt to limit or, rather, to define it. In virtue of his *plena potestas* the pope may command anything, and consequently is in practice *irreformabilis* at all times and in all things, but canon IV limits this infallibility and irreformability<sup>39)</sup> to matters concerning faith and morals, and makes it a condition that the judgment should be pronounced *ex cathedra*.

There is no need to speak of the historical difficulties confronting the dogma of papal infallibility<sup>40)</sup>. Dogmatically also this elastic formula can be pulled in different directions, as though it had been intended for this purpose (since otherwise the incongruity

of the dogma would be too obvious). If canon IV were not preceded by the first three, connected therewith, its main idea of an authoritative chief hierarchy, proclaiming in a final form a council's resolutions, would be almost harmless and even . . . Orthodox. It would define the position of the pope as the chief patriarch in relation to the whole universal church on the analogy of the position e. g. of the Russian patriarch in relation to the Russian church: according to the ruling of the council of 1917-1918 he is the mouthpiece of a local church, being the head of a local council. Such a conception would on the whole reflect the authority (true, not always undisputed) which the popes enjoyed at the epoch of œcumenical councils, before the division of the churches. But when taken jointly with canon III, canon IV affirms the pope's actual infallibility or, what is more important, the unchangeableness — *irreformabilitas* — of every papal judgment. Every definition laid down by the pope as such, in the fulness of his power, is necessarily *ex cathedra* because it is impossible to separate out in him the priest, the Bishop of Rome, the patriarch of Italy and the universal bishop. Of course he dines and rests as a private person, but at those moments he does not address the church. He celebrates mass simply as a bishop or as a priest, but again he then does not address the church (though indeed in so far as he is his own and only bishop, he celebrates mass in virtue of papal jurisdiction). But all his ecclesiastical judgments at a council or in the consistory, bulls or breves, equally

bear the stamp of fulness of power, *irreformabilitas*, and in that sense are *ex cathedra*<sup>41)</sup>. The only definable and real papal *cathedra* is the fulness of power, and therefore all that the pope does in church is *ex cathedra*. Similarly, the will of an absolute monarch is equally sovereign and unalterable in a legal enactment and in every administrative appointment; there are differences of classification and codification, but the nature of the power is the same throughout.

The same must be said of the reservation expressed by the words *de fide et moribus*. The meaning of "*de moribus*" is quite indefinite and unlimited, for there is nothing in human activities which has not one way or another, to do with *mores*. On close inspection the meaning of *de fide* proves to be equally indefinite. The statement that  $2 \times 2 = 4$  is not *de fide* but *de arithmetica*; and yet if at some time there should arise a religious dispute on epistemological grounds in connection with the multiplication table, a papal decree about it would be *de fide*, though indirectly so. How else could one explain the pope's condemnation of Copernicus's astronomical theory — a condemnation which is now causing so much trouble to apologists like Hergenrother? Speaking generally, if the pope addresses himself in his pastoral capacity to the church represented by any of its organs, he is bound to deal *fide et moribus*, for there are no other interests in the life of the church; all particular aspects of it, such as canon law, discipline, liturgies etc. are mere auxiliaries. Or, to put it more

exactly, every problem has either a direct bearing upon faith and morals or may, according to circumstances, acquire such bearing.<sup>24)</sup> Thus the reservation made in canon IV is in reality no reservation at all and the pope is given both *plena potestas* and *plena infallibilitas et irreformabilitas*; in other words he is tactically proclaimed to be the church. Every papal decree is backed by *plena potestas*, either actually or in principle.

Is there a limit to the pope's omnipotence within the church? It cannot be indicated, once absolute personal power is admitted as a matter of principle. At bottom, the whole of Catholic dogmatics is summed up by the Vatican dogma, for it lays down a criterion of ecclesiastical truth—a criterion which, according to the meaning of the dogma, applies (contrary as it is to the evidence of history<sup>43)</sup>) both to the past and to the future. The dogmatic truth is that which the pope proclaims as such *infallibiliter*, and the practical truth is expressed in his decrees which are *irreformabiles*. The infallibility of the church as a whole inheres in him: according to the formula of canon IV, *per assistentiam divinam ipsi in beato Petro promissam, ea infallibilitate pollere, qua divinus Redemptor Ecclesiam suam in definienda doctrina de fide vel moribus instructam esse voluit*; the pope seems to be regarded as an equivalent of the church.

Even this formula, however, contains an obvious ambiguity — intentional or due to an oversight — which makes it possible to interpret the dogma, with equal reason, in two different, if not contradictory, meanings.

The first meaning, naturally following from the general context, has been pointed out: with regard, at any rate, to infallible judgment the church is the pope. The second meaning is that which theologians, nonplussed by the formula, try to extract from it by interpreting it "positively but not exclusively". This is the point of view, for instance, of authoritative representatives of German Catholic theology: Scheeben, Arzberger, Simar, Pohle and others. According to their interpretation the pope has the power which belongs to the church as well; the question whether a college of bishops i. e. a council (of course, in union with the pope) has *jure divino* the same fulness of power as the pope by himself is left open, as well as the question whether the bishops received the power of jurisdiction directly from Christ or from the pope. This question had already been debated at the Council of Trent, and it was decided that the *potestas ordinis* was derived directly from Christ, but the origin of *jurisdictio* remained unsettled <sup>44)</sup>.

Scheeben in his *Handbuch der Dogmatik* says of the Vatican dogma: "It does not say that Divine help promised specially to the pope covers all the help promised to the teaching body of the church, or that it is a formal adequate basis of the infallibility of that whole body, and that consequently the infallibility of the church is limited to that of the pope, or is realized in him exclusively. The words *ea infallibilitate pollere qua* etc. presuppose rather that there is a distinction between the infallibility of the pope and that of the church; else, the assertion implied in the words that the one has the same



range as the other would have no proper meaning<sup>45)</sup>. Hence, in the opinion of Atzberger and other above mentioned theologians, œcumenical councils headed by the pope help to clarify the decisions and give support to the pope (as though such support were possible or needed!), and have an infallibility of their own, which they would possess even if the pope were not infallible. "This explains why, before the Vaticanum, infallibility was ascribed to councils apart from papal infallibility, and indeed it was recognized that the latter was not necessarily involved in the former and could be established either independently of the former, or together with it"<sup>46)</sup>.

But according to the meaning of the Vatican dogma which throws light on the whole history of the church and gives it in an authoritative and dogmatic interpretation, the power of the councils depended on their ratification by the pope, apart from which they would not be œcumenical. On the other hand, the pope can do without councils which he needs only in their advisory and certainly not in their legislative capacity; they can therefore be replaced by the curia or abolished altogether. The more consistent interpreters of the Vatican dogma, as e. g. the Jesuit Palmieri, say in so many words that the pope is the only ecclesiastical authority which is both unerring and impeccable.

And indeed there can be no two sovereignties, two supreme jurisdictions or organs of infallibility, so that to recognize that the episcopate or a council has

some sort of independent rights is either thoughtless or due to conscious opposition to the true meaning of the Vatican dogma (such opposition is more widely spread in the Catholic world than is generally supposed). The rights of the episcopate are denied in the clear and decisive statement in Canon III which makes bishops vicars of the pope, and makes him not only *episcopus universalis* but also *episcopus episcoporum*<sup>47)</sup>. The rights of the council are ruled out by the words "*ex sese, non ex consensu ecclesiae*", added, as we know, at the last moment by the overzealous champions of the dogma and accepted without any discussion<sup>48)</sup>. Apologists interpret the phrase "*non ex consensu ecclesiae*" as limiting and defining the expression "*ex sese*" which otherwise might mean the pope's absolute power in proclaiming dogma. But the general context shows that the true object of the addition was to make the formula completely water-tight. That was also the object of deleting some of the really limiting clauses which required that the pope should be faithful to the tradition of the church, and thus opened a way to criticism.

The all-important words "*ex sese, non autem ex consensu ecclesiae*" in the fateful formula separate the pope from the church and oppose him to it as its ruler, transcendent to it (contrary to the constantly used comparison of the head as part of the body). They implicitly deny the principle of SOBORNOST — "togetherness" — based on Christ's words "where two or three are gathered together in My name, there am I in the midst of them",

and on the apostolic succession of the episcopate. Had the decisive phrase been omitted or replaced by its opposite: "*non ex sese, sed cum consensu ecclesiae*", the episcopal and SOBORNY point of view could legitimately be defended; but it is tacitly, though emphatically, rejected in the formula.

In the language of Catholic theology, the whole church has only *infallibilitas passiva* left to it, i. e. the virtue of obedience through faith; *infallibilitas activa* which is the portion of the teaching church, belongs to the pope alone. This is confirmed by the fact that the resolution of the council was published as a papal decree, a bull; true, it contains the phrase "*sancto approbante consilio*" but merely as a reference to a concomitant event and not to a canonical condition of the decree. The approval of the Council is counterbalanced by the pope's *docemus et definimus*. Of course the Vatican dogma could have been published as a decree of the council ratified by the pope. In that case, in accordance with the meaning of the dogma, the council would have been simply the pope's *cathedra* (similarly, Imperial *ukases* were sometimes presented in the form of the State Council's decisions ratified by the Emperor). But the way in which the dogma was actually published precludes the very idea of the council's playing an independent part. The right of proclaiming dogmas or rules of faith belong to those who have the fulness of power. Therefore, in the universal church this right belonged only to œcumenical councils as organs of supreme ecclesi-

astical power. In 1870 this *plena potestas* and the right of proclaiming dogmas was ascribed to the pope alone. The Vatican Council was not really a council, but merely a consultative assembly, an enlarged consistory, for if the pope's power is absolute there can be no council in the canonical sense of the term.

This brings us to the fundamental self-contradiction which proved fatal for the Vatican council. It was convoked as a council, because the dogmas of *plena potestas* and *infallibilitas* were as yet non-existent — which is proved by the fact that they were discussed at the council as debatable propositions, to which many of the members were entirely opposed. In other words both dogmas were not self-evident truths, not axioms, but theorems. But to proclaim them at the council and in its name was self-contradictory. By proclaiming papal sovereignty the council abolished itself, committed dogmatic suicide, declared its own non-existence. An assembly cannot without self-contradiction pass a decree which forthwith annuls its right to legislate not only in the future but also in the present, as well as its right to have legislated in the past. There is no contradiction if a constituent assembly elects a monarch or a dictator and then annuls itself in submitting to him: it rightfully hands over to him the fulness of its own power, —and the sovereignty is not interrupted. But the same cannot be said of a council which discusses and adopts a dogma in virtue of which it proves to have neither fulness of power nor indeed any independent significance, since sover-

eign power in the church belongs, and always has belonged, to the pope. If this is so, the council is not competent to deal with the subject. An assembly of lower officials cannot decree anything about the power of the chief of the departement to whom they are legally subordinated. In an autocratic empire no assembly of any kind can determine anything about the rights of the monarch, weigh them or bestow them upon him. Yet this was precisely what happened at the Vatican Council. How could a council be expected to pass the resolution that it has no power to decide anything and that the pope alone has the right of final judgment? How could the council have consented even to debate such an absurdity? It can of course be argued that the council had to carry out the pope's behest out of obedience, regardless of its content; but even an infallible pope cannot do meaningless and self-contradictory things, such as submitting to a council's decision the motion that the power to decide belongs not to it, but to him.

The Vatican zealots in their theological self-assertion had not sufficiently thought out their plan of utilizing the council's vote on a subject which from the nature of the case was not within any council's competence. They inadvertently transformed the council — convoked and opened as such — into the parody of one, or into a mere consultation expressing in the form of a dogma something that had always existed as a fact. Obviously if papal supremacy was



established by God Himself and existed from the first, the most that a council could do would be to proclaim this fact, but not to ratify it <sup>49)</sup>. The council was set a task known to exceed its competence and it ought to have refused it, or to have passed it over in silence. In any case to discuss it was a mistake.

There are truths which cannot be proved because they lie at the basis of all inference: such for instance are mathematical axioms on which the proof of theorems rests. An axiom can by no manner of means be turned into a theorem and be inferred or investigated. Similarly in Christian dogmatics there are basic and primary truths, the recognition (or non recognition) of which determines whether a person belongs (or does not belong) to the church. To use Kant's terminology, dogmatic axioms of this kind are synthetic *a priori* judgments (and not analytic judgments *a posteriori*); they lie at the basis of the whole experience of the church and determine all its dogmatic thought. An axiomatic basis of church life is faith in the God-man Christ, Lord and Saviour, and in His Church. The Christological (and partly ecclesiological) dogmas formulated at the œcumenical councils are, so to speak, dogmatic theorems proved and verified by means of those axioms. Thus, for instance, the rejection of Arianism was a particular judgment intended to define more closely and particularly the divinity of the Son; The object of the Nicean Council was the same — to express an unalterable axiom of faith in a particular formula, to establish a theorem of faith.

The peculiarity of such a dogmatic theorem is that until it is authoritatively and finally expressed, it is problematic; in answer to the problem contained in it, the Council formulates a dogma which then acquires the force of an axiom. The same thing is true of all the dogmas established in the course of church history. In this sense every dogma presented something new at the time, something that had not yet been apparent to the mind of the church. This is why we may speak of the dogmatic development of the church, although in principle this development can contain nothing new, since in the Church everything has been given from the first: it is "the fulness of Him that filleth all in all"; its dogmas or theorems are simply different aspects of the unalterable axioms which express its very essence.

Therefore, speaking generally, there cannot be and there have not been any councils which dogmatically established faith in the God-man and His Church, although this faith was solemnly proclaimed, for instance, in the Nicene Creed. All that was established was a definite verbal expression of faith, but not the faith itself, which of course had existed without any formula, and indeed it was the faith which made valid both the council and the creed.

Let us now apply these considerations to the Vatican dogma. Is it one of those dogmatic theorems which remained outside the theological field of vision, and entered it at a certain definite moment? Can such a dogma be a dogmatic novelty (if only in the relative sense

in which alone this is possible), or is it *a priori*, one of the basic conditions of religious experience? The latter meaning is obviously the one implied by the Vatican Council's interpretation of papal supremacy. The peculiar form of ecclesio-papism proclaimed by the council makes submission to the pope a condition of belonging to the church and raises him to the rank of the supreme ruler of the church on earth, the vicar of Christ, i. e. an earthly Christ in relation to the church. Obviously such a conception, if true, must be as primary as the religious axiom that Christ is the head of the Church. Obviously, too, it can only be solemnly proclaimed as an eternal truth and not as the result of deliberations on a dogmatic problem set as a "scheme" before a council to be debated, accepted or rejected.

A council which proclaims the pope's infallible power in the church *ex sese, sine consensu ecclesiae* commits a self-contradictory, unmeaning and suicidal action which is a *reductio ad absurdum* of the council as such. Hence, the Vatican dogma is inwardly self-destructive. Such a dogma could not have been proclaimed by any council as a dogmatic resolution, but could at best been put in the form of a loyal address to the sovereign, expressing devotion and obedience. The dogma means that the pope alone has the power to proclaim it — any pope and at any time — not only Pius IX at the Vatican, but e. g. Pope Martin V or Pope Eugenius IV at Basel. Therefore not only the councils of Constance and of Basel, but that of Vatican too in so far as it contained a protesting minority, were living denials of the supposed "dogmatic axiom".

Attempts to oppose it could no longer be regarded as legitimate on the part of the members and indeed as their bounden duty, but became a heresy and a revolt against the church. The position cannot be saved by saying that although the dogma was always held by the church, the time for proclaiming it had not arrived till that particular moment. The idea of the "evolution of dogmas" is of no avail in this case: the doctrine about the head of the church may receive different expression, but the essence of it must remain axiomatically clear and cannot possibly be proclaimed as a dogmatic novelty.

The phrase *sacro approbante consilio*, introduced into the formula, is obviously ambiguous, for it may with equal right be interpreted either as "after or with the approval of the council" or as "in consequence of, in virtue of, as the result of, the approval of the council". Such ambiguity brings out still more clearly the inherent invalidity of the dogma *ex sese sine consensu ecclesiae*; these words, introduced at the last moment, serve more than any other to make the Vatican dogma as meaningless as a round square or roasted ice. The history of the tower of Babel repeated itself . . . men intoxicated with victory were eager for further triumphs, but failed to stop in time and defeated their own ends. The inherent impossibility and inner contradictoriness of ecclesio-papism was thus clearly brought to light.

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The Catholic church did not need the Vatican dogma. It was suddenly thrust upon it by the Ultramontanists, the papal party, whose creation the dogma was. It did not in the least increase papal authority as a fact — that authority was and still is so great that an increase of it is hardly possible. The new dogma merely invested the pope with a dogmatic halo. Compelled to register it in its annals, Catholic theology does not know what to do with it, and to this day it remains a dogmatic charade. As early as 1871 Pope Pius IX was asked for a more exact interpretation of the new dogma, but he querulously replied that it was clear enough for all men of good conscience; and what else indeed could the author, and at the same time the victim, of the Vatican formula say? For the next fifty years it had no practical application: the pope had not once solemnly spoken *ex cathedra*. His *plena potestas* proved sufficient to clothe with infallibility all his pronouncements, dogmatic ones among them (e. g. against the modernists).

In spite, however, of its practical uselessness the Vatican dogma was an inevitable logical consequence of ecclesiastical legalism and a final symptom of the profound spiritual cleavage in Western Christianity after the Reformation. It is the last word of Protestantism within Catholicism — of the Reformation acting as counter-reformation.

In spite of the ambition of individual popes and the historical power of the papacy, the Vatican dogma would have been both impossible and unmeaning before the Reformation. It would have been impossi-



ble because the principles of ecclesiastical liberty still lived in the Catholic Church as we know from the history of the pre-Reformation councils, and papal primacy was not interpreted as ecclesiastical absolutism. It would have been unmeaning because the enemy rejecting the power of the church hierarchy was non-existent. The Reformation broke up not only the external body but also the inner unity of the church. The combination of Christian freedom and ecclesiastical obedience which constitutes the very essence of church life, and is at present professed only in Orthodoxy, was destroyed. The love of freedom, tempted by the mirage of freedom without obedience, fled to the desert of protestantism and individualism; and obedience, becoming aware of its hostility to freedom, grew more barren and legalistic than ever. The influence of the Old Testament principles in Christianity, noticeable in the Western church for some time, became more pronounced, and the Vatican dogma was its final expression.

The Roman Catholic church after the Reformation has not to this day recovered from a kind of spiritual exhaustion which found expression, among other things, in the peculiar spiritual militarism of the Society of Jesus, characteristic of modern post-Reformation Catholicism. Its specific character must be recognized, although one cannot help marvelling at the abundant powers and vitality of western Christianity manifested in Protestantism and still more in Catholicism. The wealth of its human energies, its ancient culture and high civilization must not blind us to the peculiar

tonality of its church-life. Western Europe has not got over the effects of the Reformation which brought it to an inevitable crisis. The Vatican Council shows that the Reformation is still active both in Catholicism and in Protestantism. The divided halves are moving in opposite directions, and of course, the Vatican is preparing new weapons against the Reformation. But they are useless and testify to spiritual weakness rather than to strength. Catholicism is a powerful, disciplined army, but the church is not an army, and armies are powerless against the Reformation, as history abundantly proves. Catholicism as counter-Reformation denied the Christian freedom proclaimed in the Gospel. The Protestant world, on the other hand, received the glad tidings of freedom chiefly from St. Paul's preaching. The road to the Vatican is closed to those for whom Christian freedom is a religious duty that may not be relinquished. But the road to Orthodoxy is both possible and natural to them, though in order to enter it they must inwardly and outwardly overcome the disease of anti-hierarchy, developed in Protestant communities by papistry.

The reformation was the great catastrophe of Western Christianity, but it was only a continuation of the same process which had earlier brought about the so called division of the churches. The latter had of course complex national, cultural and historical causes, and undeniably Byzantium, Byzantine cæsaro-papism and the ambitions of the Constantinople patriarchs are no less to blame for it than Rome is; but we are not

concerned with this at the moment. The interesting thing is that the change in the Western Christians' conception of the Church, reflected in the predominance of juridical principles, the papacy and an ever increasing influence of the Old Testament mentality, proved incompatible with the Eastern Christians' understanding of church life. Outwardly the Eastern Church suffered from servility and seemed enslaved, but inwardly it preserved the behest of Christ's beloved disciple. The Petrine tradition, set in opposition to the Pauline (though Peter and Paul together founded the Roman Church), could not blend with John's Eastern Christianity — not of course in its historical weakness, but in its intelligible essence, in its *EIDOS*. Catholic theologians fail to see or feel this even now.

The next stage in the development of the spiritually-Judaic principles in Catholicism was the strange and unnatural opposition established in Western Christianity between the apostles Peter and Paul. The Vatican dogma needlessly increased this opposition, and did great mischief thereby. The fanatical blindness of the counter-Reformation made the cleavage irremediable. Through the Vatican dogma Catholicism isolates itself from the rest of the Christian world. Historically it has always been aggressive and proselytising, but now it is dogmatically bound to be such. *Extra ecclesiam nulla salus* is now definitely understood to mean that there is no salvation without submission to the pope to whom *omnis creatura* belongs (according to the bull of Boni-

face VIII *Unam sanctam* in 1302). Only one method of action — conquest, only one policy — papal imperialism is now open to Catholics. Catholicism from its very nature can know of no other union than that of submission to the pope; it is not a personal or so to speak psychological love of power, but an ontological one. Catholicism must change in its very essence, must break with papistry and become Orthodox in this decisive matter before it can feel the need of union. The Lord's prayer "may all be one" is so differently understood by the Catholics and the Orthodox that they really pray for different things.

The Vatican dogma was forced on the Catholics who were closer than others to the spirit of Orthodoxy, and to this day it compels many to behave hypocritically. It cannot be denied, however, that even at present papacy has a spiritual significance for the Catholic world and is one of its basic principles. And so long as this is so, we have to admit that Catholics are not yet ripe for the true union of the churches. Theological arguments are of no avail here; if they were, the Vatican fortress of voluntaristic theology would have crumbled away long ago. The devastating and unanswerable critique of the Old Catholics, to say nothing of the centuries-long scholarly work of Protestantism, would have been sufficient for the purpose. The task of theoretically disproving the claims of papacy has been done; it is now life itself that must do the work. What is needed is a new experience, which Catholicism so far does not know. Papacy has gone through great up-

heavals and dogmatic doubts at the time of the Avignon captivity, in the XV century, and at the end of the XVIIIth. Is it guaranteed against them at our epoch of great upheavals? "Peter's rock" seems unshakable, but the fortress of Tsarist cæsaropapism seemed so too—and yet it collapsed in the course of a few days. Every historical hour, every revolution is pregnant with new possibilities and upheavals.

So long as the Vatican dogma stands, it is for the Orthodox world an insuperable obstacle to a sincere and real striving for union with the Catholics. No doubt, among the Orthodox too there are men with a Catholic mentality, papists without a pope, who think of the church in a Roman Catholic way and talk not of reunion, but of annexation and subjection. Such an attitude, however, is by no means representative of the Orthodox approach to the subject; the Orthodox mind at its deepest level is perfectly open to dealing with the problem in all its implications. During the centuries of schism between East and West many dogmatic differences and even dissensions have accumulated, but they all could be discussed fully and thoroughly, if the possibility of doing this at an œcumenical council or in some other way were open to both sides. It is open to the Orthodox, but not to the Catholics so long as the Vatican dogma is in force: no catholic dogmas, whatever their content, may be subject to any real discussion once they have been ratified by the pope and received the stamp of infallibility. Instead of union there can only be submission and annexation. Orthodoxy cannot of course from its very nature adopt this line of ap-



proach, for that would mean renouncing its inmost essence, the grace of the Holy Spirit that dwells in the church and is manifest to every Orthodox.

At present the Vatican dogma is the central problem for the reunion of the church — if the Lord ever reveals to the world this miracle of His mercy. Earlier, at the epoch of the councils of Lyons and of Florence the chief subject of dogmatic disagreement was the dogma about the Holy Spirit, the *filioque clause*; questions of papal primacy, of using leavened or unleavened bread for the Eucharist, of purgatory and a few others were of secondary importance. In our time, the question about the Holy Spirit has not of course lost either its importance or its difficulty, but in fact, in the believers' minds, it has ceased to be an *impedimentum dirimens* (to use V. V. Bolotov's term) and admits of calm theological discussion, such. e. g. as took place in conferring with the Old Catholics. The question about the unleavened bread and the differences between the Eastern and Western liturgies, the significance of which was at one time exaggerated out of all proportion, has also almost lost its importance. Even the question of purgatory and of the new dogma of the Immaculate Conception (in so far as it is dissociated from that of papal infallibility) is comparatively of secondary importance.

But all these particular disagreements are blotted out by one that is fundamental: by papacy grown strong during the centuries of schism and established as a dogma at the Vatican. This is the basic and decisive diver-

gence between East and West. Catholicism identified itself with papacy and takes its stand upon it; Orthodoxy cannot under any circumstances accept papacy which it regards as a heresy in the doctrine about the church, although it can and should recognize the primacy of the Roman See and honour it as of old. We are thus brought to a deadlock: until Catholicism ceases to be papistry and renounces the Vatican dogma (if only through a new and more exact definition of it) — and this requires a kind of geological cataclysm — there is no way to union with it. But what is impossible to man is possible to God, and all we can do is to trust to Providence which leads us, rules the destinies of the Church, and does that which with men is impossible.

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## NOTES

1) Friedrich. *Tagebuch während des Vaticanischen Consils geführt*. Nördlingen 1871 (mit Beilagen). By the same author: *Documenta ad illustrandum Consilium Vaticanum I - II*.

2) Schulte. *Die Stellung der Concilien. Päbste, Bischöfe vom historischen und canonischen Standpunkte und die päbstliche Constitution vom 18 Juli 1870. Mit den Quellenbegen*. Prag. 1871. By the same author: *Der Altkatholizismus etc. Die Macht der römischen Päbste etc.* Prag. 1871.

3) Friedberg. *Die Sammlung der Actenstücke zum ersten Vaticanische Consil*. 1892. The proceedings of the Vatican Council have now been published in the well-known *Mansi collection*.

4) See the note written by one of the members: *La liberté du concile et l'infallibilité*. (Friedrich. *Documenta I* 129 - 185).

5) Friedberg (I p. 376) gives a complete list of the names of members. There were present: 4 bishops-cardinals, 37 priests-cardinals (20 of whom had actually the position of diocesan bishops), 7 deacons-cardinals, 10 patriarchs (nominal of course, — *in partibus infidelium*), 7 primates (also nominal), 201 archbishops (13 without a diocese): 487 bishops (49 of them suffragans and 38 titular), 6 abbots *nullius*, 15 abbots, 25 generals of Orders.

6) Schulte *Der Altkatholizismus* 294-5.

7) Friedrich, *Documenta* I, 250 & ff.

8) See Friedrich *Documenta* II 212-289. Synopsis observationum quae a partibus in caput addendum decreto de Romani Pontificis primatu (infallibilitate) factae fuerunt.

9) The Latin text is given by Schulte in *Die Stellung* and the German translation of it in his *Der Altkatholizismus*, 291-2. The Latin text is also given by Friedrich, *Documenta* II. 262, and Friedberg I, 622-3.

10) At the Council bishop Ketteler circulated a pamphlet against papal infallibility (*Questio*, Friedrich I. c.), containing an exhaustive historical and dogmatic criticism of it, partly the same as that made by Janus in *Pabst und das Concil*, Leipzig, 1869. ("Janus" was the collective pen-name of Professors Döllinger, Friedrich, Schulte and others). It is a work of great erudition and convincing power, and the blow it dealt to the pretensions of papacy is truly shattering. It is available in French translation and has lost nothing of its significance at the present day.

11) Schulte, *Der Altkatholicismus* 222. See also Friedrich, J. v. Döllinger B. III.

12) Sufficient evidence in confirmation of this may be found in Pichler's *Geschichte der kirchlichen Trennung des Orients und Occidents*. 2 Bde München 1868. This book was published on the eve of the Vatican Council and unintentionally denounced it both from the historical and the dogmatic point of view.

13) Thus, Professor Philips, a canonical zealot of papacy, writes that the pope occupies the place of "einer Mittelperson zwischen Gott und dem Bischöfe, der seine Gewalt selbst von Gott hat" (*Das Kirchenrecht* I, 190). "Nicht die Kirche giebt dem Pabste die Gewissheit sondern sie empfängt von ihm, denn sie steht auf ihm, als auf dem Fundamente, nicht er auf ihr" (II, 315).

14) Pope Celestine IV was elected two years after his predecessor's death, Gregory X after 3 years, Nicholas IV after nearly a year. After his death, two years and three months elapsed before Celestine V was elected; after the death of Benedict XI there was an interval of eleven months, and after the death of Clement V — two years and four months (Janus, *Der Pabst und das Concil*, pp. 232-3). Professor Schulte reckons that from the time of Pope Leo the Great the papal throne remained vacant for a total period of 40 years. Seven times it was vacant for over a year, three times for over two years, and thirteen times for over six months (*Die Stellung der Concilien, Päbste etc.*).

15) Schulte (256, note 7) asks the following questions: "was Benedict IX, a boy of 10 or 12 (1033-1048), also infallible? Was Adrian V, who had never been ordained priest, infallible? What became of infallibility at the terrible time of John XI, Leo V, Sergius III? what about Leo VIII, Benedict V, John XIII? or about Donus II, who figures in the Roman calendar but is proved to have never existed? What about Benedict VII and Boniface VII between whom there is a strange rivalry? Did John XIX who was made a pope while still a layman become infallible forthwith? Gregory XII was unanimously elected on 30.X.1406, deposed on 5.VI.1409 in Pisa, but abdicated only on 4.VII.1415; was he the infallible pope or was it Alexander V, elected in June 1409 (d. 3.V.1410) or John XXIII, elected on 17.V.1410 and deposed at Constance on 29.I.1415? Another question: Pope Benedict IX, consecrated in Jan. 1033, sold his pontificate on 1.V.1045 to Gregory VI, and on 16.VII. 1048 was banished by the Emperor Heinrich. The Romans on 22.II.1044 elected Sylvester III, but on April 10 he was banished and on 10.XII unfrocked and confined in a monastery. Gregory VI on the strength of his purchase occupied the papal see till December 1045, when, in the presence of the Emperor, he admitted that he ought to



resign and, a few years later, died somewhere on the Rhine. Where do we find here unbroken succession?"

16) (The Synod itself, duly called together in the spirit, constituting a general council representing the militant Catholic church, has its power directly from Christ; every rank of whatever dignity, even though it be papacy, is bound to obey it in matters which pertain to the faith and to the extirpation of the said schism and the general reform of the church of God in its head and members.) Harduini v. VIII p. 252.

17) Hefele (*Conciliengeschichte*, VII cp. 1. 53). This argument was put forward as early as May 15.1438 by John of Ragusa in Vienna: "aut (Concilium Constantiense) fecit quod potuit, aut quod non potuit . . . Si fecit quod non potuit, sequitur quod Iohannes non fuit depositus, et per consequens nec papa Martinus non fuit papa, et ita, nec qui ei succedit Eugenius" (Either the Council of Constance did what it had a right to do, or what it had not . . . If it did what it had no right to do, it follows that John was not deposed and, consequently, that Pope Martin was not a pope, nor was his successor Eugenius); see N. Valois, *Le pape et le concile 1418 — 1450*. Paris 1909 v.I INTRODUCTION. Valois quotes the arguments both of the supporters of the Council of Constance and of its opponents who try to save the situation by pointing out that in the course of time both Pope John XXIII and Pope Gregory XII freely resigned their claims. The same cannot be said, however, of Benedict XIII. It is interesting that Cardinal Oddo Colonna (the future Pope Martin V) actually took part in the Council of Constance and in the trial of Pope John XXIII. But as Valois aptly remarks, there is no place where people change their views more readily than in a conclave — see also B. Hubler *Die Constanzer Reformation und die Concordate* 1418, Leipzig 1867.

18) Pope Martin V, on being elected, issued a bull condemning 45 theses of Wycliffe and 30 of Huss; the bishops and inquisitors had to examine the suspects asking them, on oath, whether they held false doctrines and (paragraph 6) whether they believed that what the Council of Constance — representing the universal church — has approved *in favorem fidei et salutem animarum* should be upheld by the whole Christendom. The Gallicans and many members of the Council of Basel concluded from this that the pope approved the Council of Constance in its entirety. Beginning with the XVII century, however, the objection has been urged that approval was given only to resolutions concerning faith and salvation, and not to the resolutions about the council's priority over the pope. Hefele agrees with this and considers the Council of Constance as oecumenical only in its last four sessions (42-5), at which the pope was present. (But in that case, it follows that before the election of the lawful pope, the church was completely deprived of lawful authority, since neither the Council, nor the anti-popes had any) — Pope Martin V second statement about the Council of Constance (à propos of Falkenberg's case) ratifies its decrees *in materiis fidei et conciliariter*, and is also interpreted as referring to the latter only. It would be useless to argue the point. N. Valois convincingly shows that all the pope's utterances are evasive, ambiguous and intentionally inconclusive, so that either side may find support for its own views in this traditional prevarication. The inconclusiveness was in keeping with the facts: within the church itself a struggle was going on between two principles — that of *Sobornost* or common consent and absolutism; at that time the issue was still undecided, and later on absolutism won the victory. The XV century is as it were the cross-roads between the two paths. But the very fact of the struggle and its vicissitudes abundantly proves that the Vatican dogma was not an unalterable tradition but the result of new developments in Catholicism in the face of the Reformation.

19) Hefele VII 563. For the text of the bulls see Mansi XXIX 78 seq. and Harduinis t. Vz II, 1172 seq.

20) Valois I, 305-6.

21) The Basel Council members said in answer to this that the doctrine of the supremacy of the oecumenical council over the pope is part of the faith *de necessitate salutis* and had been formulated not only at the 33rd session, but long before, when papal legates were presiding, and that Pope Eugenius IV, when he cancelled the first dissolution of the Council, formally approved of this doctrine (Hefele, VII, 783).

22) Papal legates — Cardinal Albergati de Santa Croce (subsequently revered as a saint) and three others — were accepted as members of the Council on April 24. 1434 only after they had declared on oath that 1) the Council of Constance and every oecumenical council derives its power directly from Christ and that everyone, including the pope, must obey it in matters of faith, of eradication of schism, and reform of the church in its head and members and 2) everyone who disobeys it in those matters, even though it be the pope himself, must be punished. They took this oath, however, *in propriis nominibus*, and not under the pope's instructions. They were admitted to the sitting of April 26. 1434, in the pope's name and in his place, on condition that they have no binding jurisdiction and are prepared to comply with the rules laid down by the Council.

23) Hefele VII, 565-7. I (2A) 54. Valois 176-6. After the Vatican dogma had been proclaimed, Hefele wrote as follows: "Eugenius IV did not expressly (*ausdrücklich*) recognize the pope's subordination to an oecumenical council, but of course his saying that he recognized the former transactions of the council might be taken to imply that he agreed with the thesis in question, and consequently,

with that of the Council of Constance. But of course he waited for a more favourable opportunity to express himself clearer on the subject and oppose the decrees of the Councils of Basel and of Constance. He could not do so there and then because that thesis was, so to speak, the war-cry of the period and was upheld and preached by emperors and kings, by cardinals and bishops, by lay and clerical scholars". This naively-cynical argument *ad maiorem papae gloriam* by one of the finest Catholic scholars makes one, at best, feel pity for Hefele, whose sincerity after the Vatican Council seems dubious. But the whole thing is a striking instance of "voluntaristic" ecclesiastical scholarship.

24) In September 1437 two fleets arrived in Constantinople, one bringing an embassy from the pope, and another from the Council. Papal legates had no scruples about the means they used: an attempt was made on the life of John of Ragusa; a herald from Savoy, sent in the papal ship to Byzantium with letters from the Council and the rulers of France, Arragon, Savoy, Milan and others, disappeared, so that no fresh news from the Council were received in Constantinople. (Johannes Haller, *Concilium Basiliense*, Basel 1896. Bd.I, 132, note 1).

25) See Friedrich, *Tagebuch während des Vatican Concils geführt*. Nordlingen 1871 Beilage. At the Council of Trent it was formally stated by the French and German representatives that the Council of Florence was not a General Council. Its resolutions were regarded as open questions. See also Theodor Frommann, *Kritische Beiträge zur Geschichte des Florentiner Kircheneinigung*, Halle 1872. Döllinger points out (see Friedberg I, 501) that it did not include a single representative of Northern Europe — France, Germany, Scandinavia, Poland, Bohemia and other (then Catholic) countries. It may be said that nine tenths of the Catholic world kept away from the Council of Florence on

principle, regarding it as illegitimate beside the Council of Basel. At last Pope Eugenius IV gathered together with some difficulty about fifty Italian bishops who were joined by a few more sent by the Duke of Burgundy, several bishops from Provence and two from Spain. Altogether sixty two bishops signed as members.

26) "Item definimus sanctam Apostolicam Sedem et Romanum pontificem in universum orbem tenere primatum, et ipsum pontificem Romanum successorem esse beati Petri principis apostolarum et verum Christi vicarium, totiusque Ecclesiae caput et omnium christianorum patrem et doctorem existire; et ips in beato Petro pascendi, regendi ac gubernandi universalem Ecclesiam a Domino nostro J. Christo plenam potestate traditam esse; quem at modam etiam in gestis oecumenicorum Conciliorum et in sacris canonibus continentur." It includes, but does not clearly define the expressions *plena potestas* and *vicarius Christi*, characteristic of the doctrine of papacy (and of course not confirmed by *gesta conciliorum oecumenicorum* or by *sacri canones*).

27) The historian of the Council of Florence, Th. Frommann says: "In any case, the definition of primacy was expressed in such a wordy and metaphorical way that each party could read its own views into it; this can be seen from its interpretation by John the Provincial as *primatus jurisdictionis* with all its implications, and by the Greeks who took it to mean simply primacy in honour. There was no unity about it and even no compromise, but merely a slurring over the differences by means of a vague and ambiguous formula" (Krit. Beitr., 18-19).

28) A propos of *etiam* see Hefele's polemics with Janus (Hefele VII, 733).

29) H. Valois, II 202-5.



30) The reasons given by the Council are worth noting: "Knowing from trustworthy testimony that he believes and upholds the dogma that an oecumenical council derives its authority directly from Christ and that everyone, including the pope, must obey it in matters *quae pertinent ad fidem, extirpationem schismatis et ad generalem reformationem Ecclesiae Dei in capite et membris*, the Council commands the faithful to obey him as pope" (Hefele VII, 849).

31) *Enchiridion symbolorum*, 251. Curiously enough, Pius II was Aeneas Silvius Piccolomini, one of the spiritual leaders of the opposition at the council, who wrote treatises proving that councils have authority over the pope.

32) In the *Enchiridion symbolorum* the Council of Basel is not even mentioned, in spite of the fact that at any rate till the pope's decree transferring it to Ferrara it had been regarded as a general council by Pope Eugenius IV himself, and also by Leo X in the bull just referred to. Not a single one of its resolutions is quoted. As to the resolutions passed by the Council of Constance, hardly any are cited except those condemning Huss and Wycliffe.

33) I leave the pagan Roman term *Pontifex* untranslated, for it has not quite the same meaning as "high-priest" in Christian usage, though it is generally rendered by that term.

34) CANON I. Si quis igitur dixerit, beatum Petrum Apostolum non esse a Christo Domino constitutum Apostolorum omnium principem et totius Ecclesiae militantis visibile caput; vel eundem honoris tantum, non autem verae propriaeque jurisdictionis primatum ab eodem Domino nostro Jesu Christo directe et immediate accepisse: anathema sit.

CANON II. Si quis ergo dixerit, non esse ex ipsius Christi Domini institutione seu jure divino, ut beatus Petrus in

primatu super universam Ecclesiam habeat perpetuos successores; aut Romanum Pontificem non esse beati Petri in eodem primatu successorem: anathema sit.

CANON III. Si quis itaque dixerit, Romanum Pontificem habere tantummodo officium inspectionis vel directionis, non autem plenam et supremam potestatem jurisdictionis in universam Ecclesiam, non solum in rebus quae ad fidem et mores, sed etiam in iis quae ad disciplinam et regiminem Ecclesiae per totum orbem diffusae pertinent; aut eum habere tantum potiores partes, non vero totam plenitudinem huius supremae potestatis, aut hanc eius potestatem non esse ordinariam et immediatam sive in omnes ac singulas ecclesias sive in omnes et singulos pastores et fideles: anathema sit.

CANON IV. Itaque nos traditioni a fidei christianae exordio perceptae fideliter inhaerendo, ad Dei Salvatoris nostri gloriam, religionis catholicae exaltationem et christianorum populorum salutem, sacro approbante Consilio, docemus et divinitus revelatum dogma esse definimus: Romanum Pontificem, cum ex cathedra loquitur, id est, cum omnium Christianorum pastoris et doctoris munere fungens pro suprema sua Apostolica auctoritate doctrinam de fide vel moribus ab universa Ecclesia tenendam definit, per assistentiam divinam ipsi in beato Petro promissam, ea infallibilitate pollere, qua divinus Redemptor Ecclesiam suam in definienda doctrina de fide vel moribus instructam esse voluit; ideoque eiusmodi Romani Pontificis definitiones ex sese, non autem ex consensu Ecclesiae, irreformabilis esse.

(Canon). Si quis huic Nostrae definitioni contradicere, quod Deus avertat, praesumpserit: anathema sit.

35) The attempt to connect Canon II with the General Council of Ephesus by referring to the pretentious speech of the papal legate is one of the historical distortions fully and uncontestably disproved by Schulte in *Die Stellung* etc.

36) Friedrich rightly remarks in *Tagebuch*, Beilage III, 435, that the words "*plenam potestatem ordinariam et immediatam*" are "the most dangerous in the whole scheme. They serve to make the episcopate approve of the essentially immoral system of papism, against which the Councils of Constance and Basel, supporting the episcopal system, had protested, and which called forth Luther's reformation and strong opposition at the Council of Trent". It is interesting that the former champions of the absolute power of the pope knew what they wanted and used no sophistry to conceal it, as is usually done at present. *Nouvelles Religieuses* for Sept. 1. 1923 tells about a XIV century treatise by Maître Hervé, discovered by Elter S. J., in defence of the privileges of monastic orders in connection with papal jurisdiction: *De jurisdictione et de exemptione* (Gregoriana, June 1923). The author says: "In the universal church the pope received directly from God through Christ, Whose vicar he is, complete power of jurisdiction. The bishops, according to their rank, have only the power *ordinis*, effectively to celebrate the sacraments. In delegating his jurisdiction to them P. M. does not renounce any of his superior rights. He always, as the head of the church, remains the ordinary and immediate head of all the faithful, of every one of them, whatever their rank in the hierarchy may be. He can limit or prohibit by his full sovereign power all episcopal jurisdictions". (385-6).

37) "This power of the supreme pontifex does not, however, interfere with the ordinary and direct power of episcopal jurisdiction; the bishops, appointed by the Holy Ghost (Acts 20, 28) have taken the place of the apostles, and like true shepherds pasture and rule the flock entrusted to them, each after his own" (there follows a reference to Pope Gregory the Great, who, it will be remembered, angrily rejected as pretentious the title of *episcopus universalis*).

38) The possibility of this was admitted even after the Vatican Council by such interpreters of it as e. g. Hefele (I. 50).

Arguing against the Gallicans of the Constance and Basel Councils who admitted two reasons for deposing a pope: *ob mores* or *ob fidem aut haeresim*, Hefele admits only the second, which implies that the pope has ceased to be a member of the church. But of course this argument is incompatible with the Vatican dogma. There is another question: can a pope be insane, as Pius IX was supposed by some of the members of the Vatican Council to have been? Pope Adrian VI while still a professor at the University of Louvain specialised in denouncing popes for heresy (Janus 399, 430). Pohle in the *Kirchenlexicon* (XII, 244 note) says curiously enough that "the Vatican dogma does not even imply that it is impossible for a pope to fall away from the faith, since canon law declares that in such a case (an imaginary one, of course) the pope would immediately lose his papal rank". (*Decret. Grat.* dist. 39, c. 6, cf. Phillips. *Das Kirchenrecht* I, 261., Scheeben, *Handb. d. Dogmatik*, I, 214). But Gratian's code dates back to the period when papal infallibility was unknown in canon law. In Palmieri's *De romano pontifice* 1877, p.628 we read that the pope is not infallible when he is subject to physical violence and has no freedom of judgment. But to admit such fallibility — so to speak, spurious "*ex cathedra*" — is out of keeping with the bold proclamation of *veritatis et fidei nunquam deficientis charisma*, for then the way is open for critically examining whether the pope's judgment is truly "*ex cathedra*". It is not difficult to imagine the serious consequences to which this may lead if the Roman see falls upon evil days as sometimes happened in the past.

<sup>39)</sup> Both these terms are used in canon IV, the first implying the theoretical unerringness of thought, and the second — the practical unerringness of a definition, dogmatic rule or command.

<sup>40)</sup> It is no doubt a historical fact that Peter himself not only erred, but actually denied Christ; that not Peter,

but the apostolic council settled the dispute about the necessity of circumcision (Acts 15); that Peter was blamed by Paul for his action (Gal. 2, 11); that Pope Honorius erred in matters of faith; that 6th, 7th and 8th oecumenical councils anathemized Honorius as a heretic; that Pope Leo II admitted Honorius's error; that Pope Vigilius preached heresy, and this was admitted by Pope Pelagius II at Aquilea in 586; that the 5th oecumenical council anathemized Pope Vigilius as a heretic; that for centuries the popes on assuming office vowed to recognize 8 oecumenical councils and to anathemize their predecessor Honorius (*Liber diurnus* ed. de Rozière form. 83 ff.); that originally the popes admitted their fallibility in matters of faith (see *Stellung* 74 ff.); that there are contradictions between papal decrees *ex cathedra* and between them and the resolutions of the oecumenical councils; that all the authoritative specialists on canon law, beginning with Gratian, in the XII and XIII centuries and many in the XIV and XV, and the most important of the Jesuits, Schmalzgrüber and Layman, admit that the pope may be accused of heresy (*Stellung*. 189); that early popes certainly considered it necessary to call councils for settling questions relating to faith, and, in recommending this, the 5th oecumenical council quoted the example of the apostles (Schulte, *Der Altkatholizismus*, 309). This list may be supplemented by the following instances. In answering the Bulgarians in 866 Pope Nicolas I declared that baptism in the name of Lord Jesus Christ, even if performed by a Jew, was valid (*Denzingeri*, 335); but according to the definition of Pope Alexander III (12th century), only baptism in the name of the Holy Trinity was valid (*Denz.*, 399), and naturally this was confirmed at the Council of Florence (*Denz.*, 696). (Of course Pope Nicolas I's pronouncement is said to be his personal opinion and not *ex cathedra*.) Pope Alexander III declared that the baptismal formula must include the words *ego te baptizo*; but Pope Alexander VIII (17th century) admitted that the



omission of those words does not render the baptism invalid (Denz. 1317). With reference to *intentio* Pope Innocent III (1210) in his bull against the Waldensians required *i. fidelis*; Pope Alexander VIII maintained that a properly performed baptism was not effective if the priest inwardly said: *non intendo*. There was thus introduced the idea of *intentia interna*. Pope Leo XIII, on the contrary, in his bull about Anglican ordinations (1896) distinctly said that the church does not judge of the inner intention, but must judge of it only in so far as it is outwardly expressed.

41) Of course Catholic theologians insist on drawing distinctions: they maintain that "as a private scholar, as a lay sovereign, as simply the Bishop of Rome, as the primate of Italy, as the patriarch of the West, the pope is not infallible; he is infallible solely and exclusively as the supreme head of the Church, and then only when speaking *ex cathedra* . . . Hence, decrees dealing with discipline, instruction, ecclesiastical policy or administration, as well as those applying the doctrine of faith to particular instances have as little to do with papal infallibility as the occasions on which the pope, though pronouncing on matters of doctrine, does it not in the solemn, universally-binding form *ex cathedra*" (Pohle, Kirchenlex. 244). All these abstract discriminations avail nothing in the face of the concrete unity of the bearer of absolute power as a person. They merely show that with regard to this question theologians are at a loss and do not know what to make of the Vatican dogma.

41) In his *Die Macht der Römische Päbste über Fürste* etc. Schulte gives a list of papal bulls on various subjects; the meaning of the dogma of infallibility implies that they remain in force to the present day. Some of these bulls proclaim the pope's sovereign power over kings and their subjects, both Catholic and non-Catholic; in virtue of that

power he grants new countries to kings and a right to enslave the population. . . . Thus Pope Nicolas V in bulls *Romanus Pontifex* and *Nuper non* of January 9. 1454 gives such right to Alfonso the king of Portugal with respect to Western Africa (this was confirmed by Pope Callistus III in the bull *Inter caetera* 1456, and Sixtus IV in the bull *Aeterni Regis* 1481). The bulls of Pope Nicolas V give Portugal exclusive power over all the seas. Pope Alexander VI in the bull *Inter caetera* May 4. 1493 "on the strength of the apostolic plenitude of power and the authority of Almighty God, granted us in St. Peter as to a vicar of Jesus Christ" gives the newly discovered countries and islands to King Ferdinand and Queen Isabella. The pope may enslave and give away even Christian subjects whose ruler has been anathemized: Pope Gregory XI did this with regard to Florentines on March 22. 1376, in the bull *In omnes fere*, and so on.

43) Schulte rightly points out that the reference to Florentinum in c. IV and the quotation from its resolution are tendentious and omit the end of the resolution which speaks about all the councils. "The Greeks meant the seven oecumenical councils accepted by them, and the Uniates — eight; not one of these councils, beginning with that of Nicea in 325 and ending with that of Constantinople in 869 acknowledged that the bishop of Rome was the only or the infallible teacher of faith and morals; nor was he acknowledged as such at the 4 Lateran Councils of 1123, 1139, 1179 and 1215, or at the two Councils of Lyons in 1245 and 1274, or at the Council of Vienna in 1311. The Council of Constance at its fifth session on 6. IV. 1415 laid down as a dogma that the pope, like everyone else, is subject to a general council. The fifth session undoubtedly belongs to that part of the Council which was recognized by Pope Martin V. Thus, not one of the eleven pre-Florentine councils recognized by Rome, or, leaving

out the Council of Constance (that of Basel is not counted), not one of the sixteen oecumenical councils laid down the definition which, in c. IV, the Florentinum is said to have confirmed. And, anyway, the Florentine statement differs so widely from the Vatican dogma, that the dissentient members of the Vatican Council actually inclined to restate the Florentine definition. Besides, the arguments of the Florentinum are out of date and have been clarified by the Tridentinum". (ibid. 307)

44) See Scheeben *Handbuch d. Kath. Dogmatik* IV Bd. I.

45) Scheeben, *ibid.* 225. As though this were an argument

46) *ibid.* 244. Cp. Th. H. Simar, *Lehrbuch der Dogmatik*, 4 Auff. 1889, I, 40; II, 754-5; Pohle, *ibid.* 248; H. Shell *Die Kathol. Dogmatik*, Paderborn 1892, Bd. III. 1, 410-422.

47) Schulte *Lehrbuch des Kathol. Kirchenrechts*, 3 A. 1873 pp. 241-2.

48) The words *cum caeteris* (which might be interpreted in a "Gallican" sense were deleted on July 15 so as to bring out more forcibly the idea of papal infallibility being independent of the episcopate, and the phrase "*non autem ex consensu ecclesiae*" — the keystone of the Vatican dogma — was put in. In a paragraph in ch. IV *Hoc igitur* the words *non deficientis* were replaced by "*nunquam deficientis*", which implies that the errors of the former popes, known to all historians, have not been committed.

49) Schulte in *Der Altkatholizismus*, Giessen. 1871 p. 311 clearly shows the absurd self-contradiction of the Vatican dogma. "The voting of 553 members of the Council who supported the dogma on July 18. 1870 was to no purpose: had it been necessary, the dogma would have been fallacious. The two assertions — unchangeableness of papal decisions as such, and their unchangeableness with the

consent of the church — are contradictory. Equally contradictory are the assertions that the pope speaking *ex cathedra* is infallible because of divine help, and that the pope became infallible because the council recognized his infallibility. Consequently the council's assent and cooperation are objectless: those who believed in papal infallibility believed in it because the pope proclaimed it *ex cathedra* and not because 553 ecclesiastical dignitaries of various kinds voted for it".





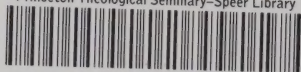






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